

# The prologue of the aucthors to the reader.

**D**

Emostenes the renowned Mistrour defyner lawe in thys wyle. The lawe (sayeth he) is þynge that al men ought to obey for many skylles but in spesyally bycause lawe is the iunction, and also the gyft of God, the decares of prudēt me, the chastisement of wylfull, and vnwylfull, offences, and fynally the common suretye of a Realme, wherby it becometh al men to lyue, which be couersant in the same. Chrysippus also, an excellent phylosopher, thus begynneth his boke of lawes.

The lawe is synge of all, as wel divine as humayne affayres, the president and captoller of thynges honest, and dyshonest, the Prynce, Captayne, and ruler, of the iuste, and iniuste. It is of Littile creatours, as wel the commaundader, what they ought to do, as the forbydder, what they ought not to do. These aunciente saynges of wyle men, assuredly ought muche to inflanre vs to the knowlege of those thinges without whych we shalbe esteemed no men, bue as brute and sauage beastes. Let vs nat commyte, that it be sayd of vs Englyshemen, as it was ones sayde of the men of Athens, that is, that we make verye goodly and profitabile lawes, but we vse the nat. Certaynly there can be no greater reproche to a common weale the

A.ii.      thys

The preface.

this. One lesson I wolde we learned of the a-  
cient lawyer Romayne named Celsus , & that  
is thys. The knowlege of lawes is not to bere  
awaye the wordes but the ppyt and power of  
them . Thys he wroote bycause there be many  
whiche whē good and holsome lawes be made  
leke nat to se them executed, and obserued, but  
rather howe to defraude the and to haue them  
bexecuted, which kynde of people after þ sen-  
tence of moste auncient lawmakers be no lesse  
worthy of reprehension then they which do ex-  
pressely agaynst the lawe. Nowe, they do (says  
they) agaynst the lawe whiche do the thyng, þ  
the lawe forbyddeth. And they defraude a lawe  
or statute, which the wordes of the lawe saud,  
do circumuent the meanyng, and sentence  
of it. Let vs then so read the lawes, that  
we may haue away the sentence and  
mynde of them , and so sulful and  
obserue the lawes, that it may  
appere that they were nat  
made in bayne.

Thus

doynge we shall please God, we shall  
be obedient subiectes to our prynce  
and fynally we shall leke our  
owne weale and  
saueyng.

## What is lawe.

**H**e lawe is the dyrecti-  
on and ministracion of Justyce  
And justice is (as themperour  
Justinian saythe in hys Insti-  
tutrons) a constant and perma-  
nente wyl to render vnto everye person hys  
ryght and duteye.

**C**he learnyng or prudence of lawe, is a  
knowlege of divine & humane thinges a sciense  
and perficte notyce of equitye and iniquyte, of  
ryght and wronge.

**C**owe forasmuche as a greate porcyon of  
the prudence of sciense of the lawes of this re-  
alme of Englade consisteth in the perfyte know-  
lege of estates, whch men haue in landes and  
tenementes: we shall synt as compediously, and  
as lymply and playnly as we can, treate some  
what of estates.

## A diuision of estates.

**C**shall therfore vnder-  
stante, that whosocuer hathe  
anye state in landes or tenementes,  
eyther he hathe in the same  
onely a chatell, or a holde, or  
inheritaunce. Yf he hathe an estate but for  
terme of certaine yeres, or at his lanlordes wil  
So it is called a chatell, yf for terme of  
or of another mans lyfe, it is called a fr. holde  
And if he hath it to hym and to his heires in fe  
lymple or in taylerte he hath a state of inheri-  
taunce.

Tenante for terme of yeres.

A.iii. Tenant

Chatell.

Fr. holde.

Inheri-  
taunce.

### Tenaunt for yeres.

**T**enaunt for terme of yeres, is he to whom landes or tenementes be lette for terme of certayne yeres, as is agreed betwene the landyarde and the tenaunt. And when the person to whom such lease is made doth entre by force of the sayde lease and is in possessyon of the same: then he is called tenaunt for terme of yeres.

Want re-  
served.

Action of  
Dette,

A good  
plee.

Iuery of  
Season  
nede nat  
in lease  
for terme  
of yeres.

¶ And here ye shall note, that if the lessour, þ made the lease hathe reserved vnto him a yere, ly rent vpon the sayde lease (as it is accustoma bly vsed to be done) if the rent be behynde vpayde, it shalbe in his election eyther to entre & dystrayne for the rent, or to byng an accyon of Dette against him at the lawe for þ arrengages of þ same. But in this case it is requisite, that the lessoure were sealed of the landes or tene mentes at the tyme of the makyng of the lease for otherwyse it shalbe a good plee in þ action of Dette for the tenaunt to say, that þ lessour had nothyng in the lande and tencement at þ tyme of the lease made: excepte the lease were made by dede endented, for then the plee shall nat lyz in the tenauntes mouth to plede.

¶ And it is to be knowen, that in a lease for terme of yeres, whether it be by dede or wytch out dede, there nede no iuery of season to be made to þ lease, but he may entre when he wyl by vertue of his lease, without any further cerimony of the lawe.

¶ Also if a man lesseth landes for terme of yeres, though the lessour chaunseth to dye before the lease doth étre, yet he may étre wel ynough Otherwyse it is where iuery of seald is to be made, as in free holdes and inheritance.

Also

Tenaunt at wyll.      Fo. iii.

**C**Also yf the tenuant for yere doth wast , the ladelorde may bryng an accyon of wast against Waste. him , and shal recover the place wasted , and his treble damages .

**C**Also yf a lease for yeris be made of .ii. scuerall thynges , and after the one is recovered the leste shal holde the other , and the rent or ferme shalbe appoynted . M. i 2 . N. 8 .

**C**Also yf the tenant for yeris graunteth a greater estate in the lande , than he hathe him selfe , wherby he conueyeth the fee syngle to him selfe he shall forfayte his lease or terme .

forfay-  
ture.

Tenaunt at wyll.

**T**enaunt at wyll is he to whome landes or tenementes be lessed to have & holde the same at the wyll of the lessour . And in this case the lessour may put out his tenuant at what tyme hym lyketh . But yet neverthelesse , yf the tenuant haue sowen the groundes with corne , in this case yf the lessour wyl entre and put out his tenuant before Harueste , the lawe wyll gyue him free comynge and goynge to reape and cary his corne awaie without any punyschement or damages to be sustayned for his so doyng bycause he knew nat at what tyme the lessour wolde entre . But otherwyse it is of the tenuant for certayne yeris , for yf he soweth the grounde , and the terme of the lease be come out & erpyzed before þ corne be ripe , in this case þ lessour or he in the reuersiōn may entre & take the corne , bycause it was the foly of the tenuant to sowe the grounde , knowynge the ende of his terms .

**C**In lyke wyse tenuant at wyl shal haue free  
J. iii.      com-

Dystres  
or els ac-  
cyon of  
Dette.

Waste.

Trespas'.

### Tenaunt at wyll.

cōmyngē and goynge after the tyme of the lessours entree, to cary away his houshalde stuffe and goodes for a resonable space.

**C**ye shall also vnderstāde, that he þ maketh a lease at wyll, may reserue an annuall or peres ly rent, in whiche case yf the rent be behynde, he may entre very wel and dystraine þ goodes and catelles of the tenant, or at his eleccion he may bryngē an accyon of Dette agaynst him.

Also it is to be knowen, that tenaunt at wyl of a mese or tenaunt is nat bounde by the ordre of the lawe to sustayne and repayre the houses that be decayed and tynouse, as is the ienaunt for peres, and therfore none accyon of Waste lyeth agaynst him. Yet yf he do wylful waste: as þ he plucketh downe the houses, or cutteth downe the trees: it hath been thought by the sagess of the lawe, that the lessour may bryngē an accyon of Trespas agaynst him and shal recover his losses therby sustayned.

And yf such a tenaunt dye and his heire entre, in that case the lessour may haue an action of Trespas agaynst the heire.

### Tenaunt by coppe of court rolle.

**T**here is another kynde of tenaunt at wyll whiche is called tenaunt by copy of the court rolles. And this is when a man is sealed of a maner within whiche, it hath bene vsed tyme out of mynde, that the tenuantes wrythn the boundes & precincte of the sayd maner, haue holden lades and tenementes to them and to theyz heires in fee symplice, fee tayle, or for terme of lyfe, at the wyll of the lord accordaninge to the custome of the maner. And such a tenaunt,

Tenaunt by copy.

fo . v.

tenaunt, can nat alyne oʒ sell his lande by hys  
dede, for yf he do, the lande oʒ tenement that is  
so alyened and solde, is forfayte into the lordes  
handes, but yf he wyl alyne hys copy helde  
lande to another, he must accordyngē to the cus-  
tome, come into the lordes court, and there sur-  
rendre it in to the lordes hande, to the behouse Surreyn  
and vse of him that shall haue the state . The dze.  
forme of whiche surrendre is comenly vsed to  
be this .

**A**d hanc curiam venit A. de B. et sursum The fo-  
rēdūdit in eadem curia vnu mesuagium . sc . In me of sur-  
manus dñi ad usum L. de. D. et heredū suoū render,  
vel heredum de corpore . sc . Et super hoc venit  
predictus L. de. D. et cepit de dñi in eadem cu-  
ria mesuagium predictum , habendum et tenen-  
dum sibi . sc . ad voluntatem dñi secundum con-  
suetudinē manerit , faciendū inde redditus , ser-  
uitia , et consuetudines inde prius debitas et co-  
suetas . sc . Et dat domino p̄o fine . sc . Et fecit  
domino fidelitatem .

**C**These as I sayde he called tenuantes by co-  
pie of court rolle, because they haue none other  
euydence to shewe concernyng theyz lades , saue  
only þ copies of þ rolles of theyz lordes court .  
**N**eþher can these tenuantes sue oʒ be sued  
for such landes , in the kynges court , be wþt ,  
or otherwyse, but yf they wyl in any wyse im-  
plede oʒ sue others for such copie landes , they  
must do it by way of playnt in the lordes court  
after this sorte .

**A**. de B. queritur versus L. de D. de pla-  
cito terre , videlicet de uno mesuagio . sc . accis The fo-  
erre . iiii . accis prati , sc . cum pertineat . Et facit me of the  
protestationem sequit querelam istā in natura playnt .

v. v.

bxvij

¶f courte rolle.

Sens dñs regis assise morti antecessoris ad co-  
muni legē vel ic. plegii de psequedo. f. G. &c.  
¶ Nowe althoughe some such tenautes have  
an inherittance accordinge to the custome of þ  
maner, yet in very dede they are but tenautes  
at the wyl of the lord. For as some me thynke  
þt the lord wyl expell them and put the forth,  
they haue no remedye at all, but to sue vnto  
theyr lord by way of petition, desyryng hym  
to be good and gracyous lord vnto them. For  
þt they myght haue any remedye by the lawe  
then shulde they nat be called (saye they) tena-  
utes at the wyl of the lord after the custome of  
the maner. But other men of no lesse learnynge  
and prudence haue bene of contrarype sentence:  
as lord Wyan chife Justice, in þ tyme of kige  
Edward the .iii, whose opinion was alwaies  
that þt such tenaunt by the custome (payenge  
hys seruices) be elected and put forthe by hys

**Action of lord without cause reasonable**, he may very  
**Trespas** wel bynge & mayntaine an action of Trespas  
agaynst his lord at the common lawe: as appea-  
reth termino Hilarii anno. xxi. E.iii. Also lord  
Danby chife Justice in lykewyse, was of the  
same iugement: as appeareth termino. Mi. an.  
vi. E.iii. where he sayeth, that the tenaunt by  
the custome is as well inherytale to haue hys  
lande after the custome, as is he that hathe a  
free holde at the common lawe, but the deter-  
mination of this question I remit to my great  
maysters, whch can solue the knottes and en-  
gmaes of the lawe.

¶ For asmuch as yet styl of this matter, Can  
cidici certant & adhuc sub iudice ligest.

¶ Also ys shall understande, that the usage of  
some

Tenaunt by coppe.

Fo. vi.

Come manours is, when the tenuant wyl surre  
der his lande to the vse of another that he shal  
take a wande or rod in his hande, and deluyer  
it to the stewarde of the court, and the stewarde  
shall deluyer the same wande in name of leisin  
to hym that shall take the lande: and such a  
tenaunt is called, tenuant by the verge. Dypers  
other customes ther be of surreddyng of copy  
holde landes, whiche here for dedyngnesse I  
wyll omitt And forasmuche as tenuantes by  
custome of the Manour, haue by the course of  
the comon lawe no free holde: therefore they by  
called tenuantes of base tenure.

Bast  
nure.

Also yf such a tenant letteth to ferme his  
coppe holde lade, for lenger tyme then a twelfe  
moneth and a daye without the lordes licence  
it is a forsayture of his lande to the lord.

And knowe ye that yf this tenant fell any  
tymber, that groweth vpon the lande but one  
ly for the reperacyon of the same, this is waste  
and a forsaytoure of his copy holde.

Hythereto haue I treated of the fyrist mem-  
brie of our devision, that is to wyt, of chatelles  
for as I sayd, al leases for terme of yerres, and  
at wyll be accōpted in the lawe but as chatel-  
les and be cōpysled vnder that name saue that  
they be called cattelles reals, where as

kyne, oren, horses, money, plate,  
coppe, and such lyke be cal-  
led chatel personalles

Chatelle  
real and  
personel,

Nowe we  
wyll procede to the explanacion of the  
seconde membrie that is to  
saye, of free  
holdes.

Free

A diuision of free holdes.

**F**ree holdes or franke tenementes a man may haue in londyng wylles, for eyther he is sealed for terme of hys owne lyfe or for terme of another mans life. Yf he be sealed for terme of his owne lyfe, eyther he hath gots ten such estate by way of purchase, or els the lawe hath intytelyed him therunto. I call it by purchase, whether he cometh vnto it by hys owne bargaynyng & procuremet, or by the gypte of his frende, and I call it by the operacyon and intytelynge of the lawe, when a man marryeth a woman that is an inherytress, and hath issue by her, and she dyeth, nowe shall he haue the landes duryng hys lyfe, by the course of the lawe, and shalbe called tenaunt by the curte sye of Englande.

Tenaunt  
by the cur-  
tesye.

**C**In lykewyrse, yf a man be sealed in fee symple or fee tayle of landes, and taketh a wyfe, and he dyeth, the lawe gyueth vnto the wyfe the thyrdie parte of her husbandes landes, for terme of her lyfe, and she shalbe called tenaunt in dower.

Tenaunt  
in dower.

**C**Tenaunt for terme of lyfe.

**T**Tenaunt for terme of lyfe, is he that holdeþ landes or tenementes for terme of hys owne lyfe, or for terme of anothers lyfe. Howe be it the most frequent, and comon manner of speakyng, is to call hym that hath estate for terme of hys owne lyfe, tenaunt for lyfe, & him þ hathe estate for terme of anothers lyfe, tenaunt poure terme dauter tie, that is to saye tenaunt for terme of anothers lyfe.

**C**Ye shall note, that lyke as he that makeþ the lease is called the lessour, and he to whom

the

Tenaunt for terme of lyfe.      fol. vii.  
the lease is made, is called the lessee, so he that  
maketh a fessement is called the feoffoure, & he  
to whom the fessement is made, the fesse.

Also yf tenaunt for terme of lyfe, or tenuant  
for terme of another mans lyfe do waste, the  
lesseur or he in his reversion shal maintayn very **Wast.**  
well an accyon of **Wast** agynst him, and shall  
by the same recouer treble damages.

Synally, ye shal understande that by an acte  
of Parlyament made in the xxvii. yere of oure  
Louergyne lord that nowe is, kyng Henry the **In. 27.**  
vyght, it is enacted that no free holde, nor estate  
of inheritance shal passe nor take effect by rea-**¶. 8.**  
son of any bargayne and sale, except that same  
be made by wrytyng indentured, sealed, and en-  
rolled, in one of the Kynges māestyes courtes  
at Westmynster, or els within the same countē where  
the lande doth lyve, before the custos Rotulorum,  
and iiij. Justyces of peace and the clerke of the  
peace of the same countē, or two of them at  
least, of whiche the layde clerke shalbe one, and  
that such inrollement be made within syxe mo-  
nethes after thē date of suche wrytyng. And  
for the inrollement of euery suche wrytyng,  
where the lande compysed therin is not aboue  
the perely value of fortye shyllinges, they shal  
take two shillinges that is, twelue pence to the  
Justyces, and xij. pēce to the clerke. And yf the  
lade be aboue the perely value of. xl s. the they  
shall take. v. s. that is. iiij. s. and. vi. d. to the Ju-  
styces, and. ii. s. and. vi. d. to the clerke, whiche  
shal inrolle and ingrosse suffciently in parche-  
ment suche dedes and wrytynges, and at every  
peres ende he shal delþuer the same to the **Custos Rotulorum** of the same countē, to remayne  
in

**T**enant by the curtesye.

In his custody amoge other recordes of þ same countre, so that the partyes resortyng thereto may se them. Provided, that this extende nat to any tenemetes or hereditametes lyenge wþ in any cytie or towne corporats wher i þ M̄t̄res, Recorders, or other offycers hane authorytie, or haue lawfully vsed to enrolle any euydences or wryttinges within theyȝ precyncte.

**T**enant by the curtesye.

**T**enant by the curtesy of Englande is he that hath marayd a wyfe inheryted, & hath had issueby her, & she is deade, in this case the lawe of Englāde gyveth and suffereth the husbande of such wyfe to receyue and kepe styll all his wyes lande that he had eyther in fee syngle, or fee tayle so longe as he lyueth. And this is by the curtesy, and urbanitie of Englande, for this thinge is vsed in none other countrey nor region,

**B**ut in this case it is required þ the chylde be vytall, that is to saye, be borne and brought forth into this worlde alyne, & therfore the comon sayeng is, & hath ben, that onles þ chylde be harde crye, the fater shal nat be tenant by the curtesy, for the onely proue and argument of lyfe in an infant borne is þ vagite & cryeng.

**T**he shal furthermore understande, þ onlesse the husbande be in actuall and reall possessyon of his wyes landes, and sealed of them in her ryght, he shall nat be tenant by the curtesy after her death. And therfore þ landes discēde to a mans wyfe, so that she is tenant in the lawe, and to every mans accion, yet þ the husbande haue nat made an actual entrie duryng  
couer,

**Tenaunte by the curtesye.** fol. viii  
conterture and matrimony betwene thē, he shal  
not be tenuant by curtesye, for it shall be repu-  
ted and iudged his folys and negligence that he  
wolde not enire in her lyfe tyme.

**C**Other wyse it is of aduoulōs, rētes, combs  
and such other thynges, whiche forthwith whē  
they discende, be in a man or woman wythout  
any entre or further ceremony of law.

**C** Note that yf tenuante by the curtesye of Waste,  
Englande wyl suffre or make any wast in the  
landes or tenementes that he so holdeth, he is  
punysshable therfore, by acciō of wast brought  
by him in the reuersyon.

**C**Also it is to be knowē, that of thinges that  
ben in suspence, a man shall nat be tenuant by þ  
curtesie, and therfore yf a man be tenuant in fee  
syngle of certayne lande, and doth entremary  
with a woman that is the seignoress or ladys  
of the same and hath yssue by her, & she dyeth,  
yet shal he not be tenuant by the curtesye of the  
lordshyppe or seignory, bycause him selfe is te-  
nuant of the lande, and therfore the lordshyppe  
is suspended for the time, for a man can not be  
both lord and tenant of one thing, but yf he  
had not ben tenant of the lande he shulde have  
had the lordship after the death of his wyfe by  
the curtesye of Englande very well.

**C**Also note that of a ryght onely a man shal Note.  
not be tenant by the curtesye, as yf a woman  
sole sealed in fee of lande or tenementes, by dys-  
seyled, and after take a hulbāde, and they haue  
yssue, and she dye before any reentre made, þ  
husbande shal not be tenuant by the curtesye.  
**C**Note further þ of a reuersyon, a man shal Note.  
not be tenuant by the curtesye, as yf a woman  
sole

### Tenaunt in dower.

Cole seyed of lade in fee, make a lease to h. for  
terme of life, after taketh a husbande and they  
haue issue & the dye, lyuyng the leasse for terme  
of lyfe, the husbande shal not be tenant by the  
coutesye.

### ¶ Of tenuant in dower.

Dower  
at the com  
mo lawe.

Dower  
by custode.

Tenaunt  
by the cur-  
tesye.

**T**enaunt in dower, is she that hath bene  
maried to an husbande þ was duryng  
the matrimonye, betwene them, sealed of  
landes or tenementes in fee syngle, or fee tayle  
whiche is nowe deade & she sealed of the thyde  
parte of her husbandes sayd landes for terme  
of her lyfe. For by the comen lawe of the lande  
þ the husbande be at any tyme duryng þ couer-  
ture sealed lawfully whether it be by purchase  
or by dyssent, eyther in fee, or in tayle, and dye,  
his wyfe ought to be endowyd by the course of  
the comen lawe of the thyde fote. And in some  
places by an auncient custome she shalbe endowyd  
of the moyte, yea & though the husbande were  
neuer sealed actuallly duryng the couerture, yet  
þf the landes be cast vpon hym by the lawe, so  
tha: the lawe calleth hym tenant to every mas  
action, it suffyseth the woman to demaide her  
dower, for it were vntreasonable, that þ negly-  
gence and slacknes of entryng of the husbande  
shalde hurte the wyues tytle.

**C**Otherwise it is, as is said before, of tenuant  
by the curtesye, for þf lades descended to a wo-  
man couert and the husbande for slothfulness  
or negligence doth not entre in hys wyues lyfe  
he shal nat be tenuant by the curtesye, for by al  
lawes the wyfe oweþ obediencie & subiectiōn

To her husbande and therfore she can nat cōpel him to entre, but when landes dyscended to þ wyfe, the husbande onely hath power to ente at his pleasure.

**C**And ye shall understande, that oneles the wyfe be passed the age of ix. yeres at the tyme of her husbādes death, she shal not be endowed by the common lawe.

**C**But it is to be knownen that a woman may by dyuerse wayes estoppe and p̄clude her selfe of her dower: as yf she cōmyt any cryme, for which she is attayned yf treason, murde, or felonie, she gette in this case no dower, nor wyl dynge she hath obtayned her pardone.

**C**Also yf after the death of her husbande she taketh a lease for terme of lyfe, of þ same lades wherof she is indowable, she loseth her dower of the same. Moreouer yf she departeth frō her husbande and liueth in aduoutre with another man, and is not reconciled agayne to her husbāde wout correctiō of the ecclesiastical power she loseth her dower after her husbādes death. She shalbe also barred of her dower if she wil wythholde from the heyye, the charters, and euydence, cōcerninge that lade wherof she asketh dower: But none other, saue the heyye, can withholdē her dower for this cause.

**C**It ought not to be vñknowē also of what thynges she may demaūde dower, and of what thynges not. Of lades, messuages, aduoulsons, rent charge, ret seruyces, or sygnories ingrolle or other wylz, of byllaynes, of cōmons certayne, of estouers cereayne, of milles, and offyces, or of the profyte of them, she is dowable. no dower But of cōmons, and estouers sans nombre, al

A woman  
shall haue  
no dower

Of tenaunt.

So of annuitieſ, of homageſ, of thingeſ of pleaſure, as of ſervyce of paſmet of roſeſ, and ſemblaſble, ſhe ſhall nat be endowēd.

**C**There be yet two other kyndes of dower the one is caſtled dowment ex aſſentu patris, þ is to ſay, by thaffent of the father, & the other is caſtled dowmet de la plus beale parte. That is to ſay, of the faireſt parte.

**Dow-**  
**ment ex**  
**aſſentu**  
**patris.**

**C**Dowment ex aſſentu patris, is whan the father is ſeaſed of landeſ in fee ſimple, and his ſone whiche is heye apparaunt, endoweth his wyfe, at the churche doze, whan he is eſpoſed of parcell of his faſhers landeſ, with the aſſent of his father in wrytyng teſtifyenge the ſame aſſente þ in thiſ caſe her hufbāde dye, ſhe may forthwith entre into the lande, ſo aſſigned vnto her without further appoyntyng of proceſſe of lawe, althouſh the father of her ſayde hufbāde be yet alyne and in actuall poſſeſſion of the lande. But þ ſhe thus do, and take her to thiſ endowmet at the church doze: ſhe can nat haue her dower alſo by the cōmon lawe of thiſ tyme parte of all her hufbādes landeſ or any parcell of them, howbeit þ ſhe wyll reſuſe thiſ aſſignment made vnto her at the church doze, and demaund dower at the common law, ſhe may ſo do very well.

**C**A man may alſo endowe his wyfe at thiſ tyme of the ſpousalys, of hiſ owne landeſ, thiſ whiche he hath in hiſ owne poſſeſſion, and thiſ dower is caſtled dower, ad hoſtiuſ ecclie thiſ is to ſay, at the churche doze.

**C**Dowment De la plus beale, that is to ſay dowmet of the faireſt parte whiche in thiſ caſe whā a ma is ſeaſed of landeſ, which he holdet

**Dow-**  
**ment ad**  
**hoſtiu**  
**ecclie.**

**Dow-**  
**met del i**  
**pl' beale**

of an other man by knyghtes seruice, and of oþer landes whiche be of socage tenure, & hath issue, whiche is within the age of .xiiii. yeres þ dye, and the Lorde of whom the lande is holde by knyghts seruice, entreth into the lande holden of him and the mother of the chyld entreth into the socage tenure as gardayne in socage, þc in this case the woman wyl bryng a wyppe of dower agaynst þ lord which is a gardayne in cheualtrye, he may plede the specyal matter and shewe, howe she as gardyne in socage hathe so muche lande, and therupon pray the court that she m ay be suffred to endowe her selfe of so muche lande, brynging in her owne custodye, as amouþter to the thyrde part of the hole landes. And then the iugement halbe, that the gardyne in cheualtrye shal retayne the lande holde of him q. pie from the woman durynge the noȝe of the warde. After whiche iugemente and se tence gauen, she may go, and in presence of her neyghbours, and endowe her selfe of þ best part of that whiche is in her custody, amountyng to the thyrde part of the hole, and then is she c alled tenaunt in dower de la plus beale.

Fynally ye shall understande, that by a statut made in the .xxvii. yere of our most dyrade souverayn Lorde kyng Henry the eyght, it is enacted, that whare dyuerse persones haue estatutes made to them and to theyz wyues, and to the heires of the husbande, or to the husbande and wyfe & the heires of theyz two bodyes begotten, or the heires of one of theyz bodyes, or for terme of both or one of theyz lynes, or any other persōs and theyz heires to the use of the husbande & wyfe or to the wyfe alone, for

Anno. 27.

Henri. 8.

Lapi. 12.

B. ii. her

**Of tenaunt.**

her soynture: In every such case the wome shal not be suffred to demaunde any dowry of the resydue of her husbandes landes by whom she hath her soynter, against any tenaunt of þ lade. But in case she hath no suche soynter: then may she demaunde her dowry after the course of the comon lawe. Prouyded nevertholes, þ yf such women be lawfully expulshed fro theyz soynter or any parte thereof without fraude or couyn: then shall they be endowyd of þ residue of theyz husbandes lades so much as the lades shal amount vnto, out of which they were so expulshed and put forth.

**C**þrouyded also, that yf landes or tenementes be assured to any womā after mariage for terme of lyfe or otherwylle in soynture ( except it be by acte of parliament) and the wyfe ouerlyue her husbande in whose tyme the soynture was made: in this case þ wyfe may refuse þ lades so appointed vnto her in soynture, & haue her dower at þ comon law, of such lades as her husbande was sealed of, at any tyme duryng the couerture.

**C**Also yf the husbande commytteth treason murde, or felonye for whiche he is attaynted the wyfe shall not haue her dower.

**C**And note that yf the husbande entre into religyon, and is professed, the heire shall entre into the lande, but the wyfe getteth no dower till the husbande dyeth. **M. 3. 2. C. 2.**

**C**And lykewylle if a mā sealed of lade taketh a wyfe that is an Alyen boorne & dyeth, she shall not be endowwed, except she be made Denizyn by acte of parliament. **C. 3. H. 6.** And note that when the wyfe byng a wyfe of dower, & recoueri

her

**D**ivision of inheritance. **Fol. xi.**  
her ryghte she shall recouer no damages, but Damages  
where her husbande dyed sealed of the landes ges.  
recouered.

**D**ivision of inheritance.  
**H**ether I haue spoken of free holdes,  
nowe it remayneth to treate of inheritaunces, nat that inheritaunces, be no  
free holdes, for they be free holdes also, but of  
the other estates of whiche I haue heretofore  
treated be onely free holdes, & of no highe nature  
where as a state of inheritance, althoough  
it be a free holde in dede, yet it is nat to be cal-  
led by name, syth it is after moxe excellent and  
greater estate. But ye shal vnderstande, that of  
inheritaunces some be of more amplitudne and  
excellency the other some be, as that inheritance  
which is pure symple, and wþout lymytation  
of what heires, whiche kynde of inheritance is  
called fee symple. But when I make a lymita- **Fee simpte.**  
tion of what heires, then is it called fee tayle  
of which also be two sortes, as here after more  
at large shalbe declared. Nowe therfore the na-  
ture of fee symple is set forth with our accus-  
med compendiousnesse.

**C**Of fee symple.

**E**c symple is as I sayd) the most ample  
**F**and large inheritance that can be in this  
Realme diuisid or excoigitate, as þ whi-  
che a man hath to hym & to hys heires symple  
wþout any further lymytation, for whether  
they be of hys owne bodey begotten or nat, so  
that they be the next of hys kynne, and within  
the degrees it suffyseth.

**C**o the tenaunt in fee symple is he that hath  
**B. iii.** **landes**

¶ Of fee simple

landes or tenementes (whether it be by purchase or by descent) to hym and to his heires esygnes for ever. For if a man wyl purchase landes in fee simple, he must nedes haue these wordes (hys heyres) in his purchase, for else be þ one ly wordes that make the state of inheritaunce. Therfore þ landes be given to a man for ever and no mencyon be made of his heyres: he hath an estate but for terme of his lyfe because these wordes (his heyres) do lache.

Deuise.

¶ Yet nevertheles, if a man by hys testament doth deuise landes to an other in such place or case where the custome or lawe wyl serue so to do, though he maketh no mencyon of heyres, bu: sayerþ that he bequieteth to suche a person suche landes, to haue and to holde to him and to hys assignes for euermore: here a state of inheritaunce doth passe, for in testamente þ wyl and intent of the testatoure is to be ponded, & not the formal & prescripte wordes of þ lawe ¶ Also these termes in the law, francke maryage, and francke almoyne, þ is to say, free maryage and free almoane do include in them wordes of inheritaunce.

¶ And therfore þ I gyue landes to a man þ my daughter in francke maryage wythout further addicion or mencyon of heyres, thys is an estate of inheritaunce, as he shall hereafter declare more pleniouly. In lykewyse it is of landes gyuen to an house ecclesiasticall in pure & francke almes. Moreouer þ landes be given to a man and to his bloude, or unto hym & to hys sede, he hath in bothe cases a state of inheritaunce for in the laste he hath a fee tayle, and in the other a fee simple. For this worde sede, & bloude

Donū se  
mini + san  
guini suo  
quid sit,

and

and such like do implye wordes of inheritaunce  
**C**Also if landes be giuen to a man and to his  
 heyses males, or females, he hath by thys gyfte  
 a fe Symples, because it is nat expressed of what  
 body the issue shall come. C. 9. B. 6.

**C**But nowe it is to be sene who he sayde a  
 mans heyses in þi lawe. Ye shal therfore know  
 that my brother or sister by the halfe bloude, **The halfe**  
 that is to were, by the fathers syde, and not by blonde,  
 the mothes, or contrarywylle by the mothers,  
 is nat by the fathers, shall never be myne heyre  
 nor none that come of them.

**C**Reþher my bastard can be myne heyre, nor I basterde  
 myne owne naturall father nor mother nor shalbe no  
 grandfather, nor grandmother: can be myne heyre.  
 For it is a principle & grounde of the lawe  
 that inheritance may lypnally discende, but I grounde  
 ascende it may nat. And therfore yf I haue lades  
 in fee simple and dye wythout issue of my  
 bodye, my father can nat be myne heyre, but  
 my fathers brother or sister shall, and then yf  
 my vncle or aunt dye sealed wythout issue, my  
 father shal haue the lades as heyre to my vncle  
 and nat as heyre to me, for that can nat be.  
 But it may go from me to myne vncle or aunt  
 well ynough, for that is nat called a lypnal as-  
 cension but a collaterall dissent.

**C**Also ye shal understande that lyniall dissent Liniall &  
 is when the dissent is conuayed in the same collaterall  
 lyne of the hole bloud, as grandfather, father, dissent .  
 and sonne, and so downe. And collateral dissent  
 is out another, braunche, from aboue of the  
 hole bloude, as the graundfathers brother or  
 fathers brother and so discendyng.

**C**And ye shal note, that by the common lawe  
 B. iii. of thys

**O**f fee sympyle.

realme, the eldest sonne shal haue the hole inhe  
ritauice, & after him if he haue no issue, þ secōde  
sonne, and so forth. And yf I haue no sonnes  
but daughters, than shall al the daughters to-  
**Coparcene** gither inherite, which be called coparceners, but  
nērs. if I haue no issue at al, neither sōnes ne dought-  
ers thē shal my eldest brother i heritāce succede  
me, but & yf I haue no brother, thē my syster  
yf I haue any, yf nat my uncle by my fathārs  
lyde, yf the lādes be myne owne purchase. And  
to be shorte, yf there be uone in lyfe, of my fa-  
thers lyde, it shall go to my mothers lyde, and  
yf there cā be loude no heire neither by fathārs  
lyde, nor yet by mothers, thē shall it reuerre &  
**Eschete.** eschete, as they call it, to the lordē of whome it  
was holdē, for euery land must nedes be holdē  
of somelorde. as shalbe hereafter shewed. But  
yf lādes discēde vnto me by my mother's lyde,  
than yf I sayle of issue, the landes shal discēde  
only to my heire of my mothers lyde, & never  
to myne heires of my fathārs lyde: as on þ cōs-  
trary lyde, yf I haue lādes or any hereditāmē  
tes by discēdē frō my fathārs or bys blode, they  
shal never discēde to my heires by my mothers  
lyde.

**Dynas-**  
**ske.**

**C**And thus ye se a greate difference in this  
behalfe, betwene purchased lādes, and landes  
whitch discēnde from my auncestoure.

**C**yf there be thre sōnes, & the myddle sonne  
purchase landes and dye wþout issue, the  
eldest shal haue the landes & nat the yongest.

**C**Also it is a principle in our lawe, that none  
a ground can be myne heire of landes that I hold in fee  
of þ law. simple, oneles he be mine heire by þ hole blode  
that is to saye, both by fathār & mother, for yf  
a man

a man hath issue two or the sonnes by sondry wyues, and the eldest purchaseth landes in fee and dyeth without issue, his halfe brethen I meane those that be nat his brethen both by þ fathers syde, and mothers syde, shall nat haue the lande, but it shall go to his vncle.

**C**lykewyls yf a man hath by hys fyfth wyfe a sonne & a daughter, and by hys seconde wyfe another sonne, and the sonne by the fyfth wyfe purchaseth lades in fee simple and dyeth without issue: the lyster german, that is to say, both by fathers syde & mothers shall haue the landes by discente as heire to her brother, and nat the yōger brother, forasmuch as þ yōger brother, can nat in this case be heire to his elder brother because he is no brother germane vnto hym. Otherwyse it is of lades or other hereditamētes entayled as shalbe hereafter specified.

**C**Also yf a man be seyld of landes in fee simple and hath issue, a sonne and a daughter by one wyfe, and after the death of hys fyfth wyfe a sonne by another wyfe, and dyeth, and the eldest sonne entred into the landes, and after he dyeth without lawfull issue of his body, the daughter shall haue the landes and nat the yongest sonne, & yet the yonghest sonne is heire to his father, but he is nat so vnto his brother. But yf in this case the eldest sonne had nat entred, after the death of his father but had dyed before any entre made by him, then shal nat the lyster germane entre, but þ yōger brother is hei re to hys father, because the eldest brother was never in actuall possession, whiche is requisite to þ person þ claymeth to be heire collaterally. **C**But to the lynyall heires, it suffreth that þ

Of fee symply.

aucestour shulde haue bene heire ys he had lyued, I meane as thus. A man is sealed of lades and hath issue a sonne and a daughter by one wyfe, and afterward a sonne by another, he dyeth, and after hys death the eldest sonne entreteth nat but dyeth without issue before he can make actuall entre, here in thys case his syster shal not haue þ landes as heire to her brother bycause her brother was nat actuall possessed but þ yonger brother shal haue th̄ as heire to hys father. Yet ys the eldest sonne in þ case had lefte behynd hym issue of hys body, whether it had bene sone, or daughter, this issue natwſtāding, þ the father of the issue was never possessed eyther actually, or in þ law, shal haue lades & shal conuey his discēt frō his father, the cause herof is this, þ þ sone or dought is linal heire where as þ brother, syster, vncle, ante. &c. be helles collaterall, & so ye shal observe a dyuersite,

**T**h̄ call an actuall possession, whē a man entreteth in dede into landes whych be to hym descended, but a possession in lawe, is called when landes be descended to a person, & he hath nat yet really, and actually entred into them. For natwithstanding that he is in actuall possession yet he is possessed in the lawe, that is to say, in the cye and consideracion of the lawe he is deuided to be possessed, forasmuch as he is tenant to every mans action that wyl sue for the said landes, for els assuredly there shuld insue an intolerable inconuenience, as we shal more copyously open in another place.

**H**eredis-  
tas qd sit. **T**he shal further more understande that this word (inheritace) is nat only to be accomodate or applyed to that whiche cometh by discēt or suc-

Diver  
site.

¶ Of fee tayle.

Fol. xlvi.

¶ successiō frō amās aūcestours or pdecessours  
but also to every purchase i fee slyple, or fe tayle  
¶ And note that a man can haue no larger, or  
greater estate then fee sympyle.

¶ Of fee tayle.

**Y** ¶ shal vnderstāde, that before a certayne  
Statute called the Statute of Westm.  
seconde, there was no state tayle but all West. 7.  
was fee sympyle, cypher purely that is to saye,  
without condicyon or at the lest waye condiccy  
onally as apper eth by the pre:ence of the sayde Division  
statute, but nowe settens the promulgating of  
the statute, diuers formes of Statute tayle haue  
ysen.

Lapi. I.

¶ Fee tayle is whē it is prescribed and lymittē  
ted in the gyft, what sort of heyses & by whom  
engendred shall inherite.

¶ As for example, I gyue landes to a man  
and to hys heyses and go no further, this is fee  
simple: but yf I make a lymittacion, and adde  
of his body begotten, nowe is it fee tayle, that  
is to say, a fee or inheritance lymitted, prescriv-  
ed, determinate, or assigned.

¶ So that yf I gyue landes to a man and to  
his heyses, he hathe, fee sympyle, but yf I gyue  
landes to him & to his heyses of his body law-  
fully begotten, he hathe but a fee tayle, for as-  
much as I appoynte, lymite, prescribe, and ex-  
presse what heyses they shalbe and for lacke of  
such heyses, the gyft shalbe expyzed and wome  
out, and the lādes shalbe reuerred againe to the  
gyuer or his heyses.

¶ But ye muste obserue and note that there  
be two kyndes of fee tayle. There is a general  
tayle,

¶ Of fee tayle.

tayle and there is speciall tayle.

**G**eneral tayle. ¶ Fee tayle generall is as where landes be gyuen to a man and to hys heires of his body be gooten wþtþout any mençonyng and erþes syng þy what woman they are to be gotten.

And therfore þf a man be tenant in the general tayle of landes, & taketh a wyfe and hath issue by her, and she dyeth and afterworde he taketh another wyfe, of whþ he hath also other issue here eyther of these issues is inheritable to this lande intayled. But þf I expresse in the gyft

**S**pecyall tayle. þy what woma the heires shalbe procreate and engendred, then is it an especial tayle, as for ex ample to make the thynge playne, þf landes be gyuen to a man and to the heires of hys body lawfullly begotten by Margarete hys wyfe, thys is an especyal tayle, for the issue of him be gotten by another woman, shall never inherite by force & vertue of the tayle. Lykewylle it is,

þf landes be gyuen to a woman & to the heires of her body lawfullly begotten (and shewe not by what man) þis is a generall tayle, but þf I go forth and lave by such man her husbande, then it is an especiall tayle.

¶ Also þf I gyue landes to a man and to hys wyfe, & to the heires of theyr two bodys lawfullly begotten: thys is an especiall tayle, as well in the husbande as in the wyfe.

**Franke maryage.** ¶ Semblable it is, þf a man gyueth landes to an other mþ with his daughter, or hys wþm in franke mariage, thys worde (franke mariage) ymplyeth a state tayle especially, and in thys case as well the man as the woman hath estate in the specyall tayle.

¶ But þf I gyue landes to a mþ and to such a woman

a woman, and to hys heyres that he shall beget of her, here the women hathe estate but for terme of her lyfe, and the husbande an estate in þ especyall tayle. And lykewylle it is in the wosmans behalfe, as yf I gyue landes to a man to his wyfe, and to her heyres of the bodye of her said husbande engendred, he hath an estate but for terme of lyfe, & she an estate in the specyall tayle. But in both cases, yf I had sayde to þ heyres & not his or her heyres, then shulde eyther of them haue had an estate in the specyall tayle, bycause this wodre heyres is as well referred to the one as to the other.

**C**Ye shall also vnderstande, that yf landes be gyuen to a man, and to the heyres males of his bodye, thys is a state tayle, and in this case the heire small shall never inheriste.

**C**Also yf a man hathe issue and dyeth, and lades be gyuen to hiȝ to his heyres of his bodye begot en, this is a good estate tayle, althoughe the father were deade at the tyme of the gyftee.

**C**Synallit is to be noted, þ of landes which a man hath in fee simple the possession of the brother shall cause the syster germane that is to saye, the syster both by the fathers syde and mothers, to inheriste, & in this case the brother by the halfe blode shall not inheryte, as here to fore was sayde, but of lades which be intayled otherwyse it is. Therfore if a man be seased of landes in the generall tayle, and hathe issue by his kyng wyfe a sonne and a daughter, and also a sonne afterwarde by another wyfe, & dyeth, and the eldest sonne entreteth into the landes and after dyeth, the syster germane to the eldest sonne shall not haue þ landes but þ yōger brother

Discente  
by heyres  
males.

### Tenaunt after possiblite.

brother of the halfe blode bycause, who soever shall inherite landes or any other hereditamentes in tayle, must clayme them as next and immedately heire, not to hym þ dyeth laste seased of þ landes but to him whom the landes were synt gyuen vnto, whiche in the case before remembred, is the sonne and not the doughter.

### Diversite

¶ Thus ye shall marke a greate diversite by twene the forme of succession in the landes of fee syngle, and the forme in fee tayle.

### Tenaunt after possiblityte of issue extincke.

 Hen landes, tenementes or other hereditamentes be gyue to a man & to hys wyfe, and to the heires of theym two bodyes lawfully begotten ys in thys case eyther of the chauce to dye before they haue issue betwene them, he or she that ouerlyueth, is styl tenuant in tayle, but wythoute all possiblitie of any issue that can be heire to these lades or hereditamentes thus intayled, and for thys cause he or she thus ouerlyuyng is called tenuant after possiblityte of issue extincke, for in such a tenuant is al possiblityte of issue that maye be inherytale to these landes by force of the gyfte in tayle certeynly extincke and quenched and by his or her death þ state tayle shal expirre, cease, & be abolys hed for ever, & shal reueete & turne againe to the gyuer or donour from whence it came.

### Dyspar- nyable of wast.

¶ Yet forasmuche as this tenuant after possiblityte of issue, had ones an inheritance in hi he shal nat be punyshed by an accion of waste though

Of yssue extinete, fol. xvi.

though he maketh never so muche wast in the landes and tenementes where as yet in effecte he is but a tenuant for terme of lyfe.

But ys thys tenuant doth alienate, in fee such landes he in the reversion may entre for the foxfayture. Foxfayture.

And thys of estates at thys presēt tymc shal suffyce. But to the entent that ye may the more easlye cōprehende all the membres of the diuisiōn of possēsſions and estates which men may haue in landes tenementes and other hereditāmentes, it shall nat be euyl done to set forth as it were in a table before your eyen the diuisiōn therof which is thys.

Fee syngle.

Generall.

Speciall.

Fee tayle After pos.

Curtelisye of Englande  
Dowre.

Termē of lyfe

Termē of others lyfe.

State of  
Inheris-  
taunce.

After þ  
comon  
lawe.

Franke teſt

Frank onely.  
teſt.

Poss-  
ses-  
sion  
of

After the  
cūstome.

Whiche is deuyded in lyfe  
maner as franktenement  
by the common lawe.

Reall.

Chatel,

Termē of peres.

Warde of landes.

At wyll.

Personall.

All goodes mouables.

¶ Of parceners or other coheires.

¶ Etherunto I haue made a compendious  
and shorte declaracion of estates of al  
lysters. But where I sayd, that amouge  
lysters there is no prerogatyfe or pre-  
minere concernyng þ inheritance of theyz au-  
cestours landes but þ they shalbe altogether in-  
heritours and make as it were but one heire it  
is expedient to make a further declaracio and  
processe in this behalfe, and to shewe how and  
in what maner thys partition shalbe made.

¶ Diuisio[n] of  
parceners  
at the com-  
mon law  
parceners  
by custome.

¶ But ye shall understande that there be , be-  
lyde parceners at the common lawe, which be  
only lysters, also parceners by custome, which  
is amonges brothers contrarie to the course of  
the common lawe, and this custome is in summe  
places of Kent, & in other places where landes  
& tenementes be of the tenure of Gauelkynde.

¶ Wyre de  
partitione  
facienda.

¶ Ye shall therfore knowe that when a man  
is seased of lande in fee simple or fee taille, and  
hath no issue but daughters, and dye, and the  
daughters do entre into the landes thus desci-  
ded vnto them, nowe they be called parceners,  
or coheires, & by a wryt called : De partitione  
facienda brought by one of them agaynst the  
others, they shalbe constrainyd by the lawe to  
suffer an egall partition to be made of the lan-  
des betwene them.

¶ Particio[n]  
in divers  
maners.

1.

¶ Nowe partition maye be made in sundry  
wayes. One waye is when they them selues do  
make partition betwene them of the hole heri-  
tage and do agree vnto the same, and do entri  
every one into her parte so allotted vnto her .

2.

¶ Another waye is when by all theyz agree-  
ment and cosent one common frende doth make  
the partitio[n]. In whiche case þ eldest lyster shall  
hau

have the fyfth election, and after her the secōde  
lyster, and so forth. But yf they agree þ the el-  
dest lyster shal make the partition, and she mar-  
keth it, then the eldest shal nat chose fyfthe, but  
shall suffer all her lysters to chose before her,  
as it is thought.

3.

**C**There is also another forme of partition  
whiche is egallye to devyde the landes into so  
many partes as there be coheires or perceners  
and to wryte every parte so devyded in a seue-  
tall scroule of paper, & so put the layde scroul-  
les into a bonet, or to enclose them severally in  
balles of waxe, and thā the eldest lyster to chose  
whiche balle she wyll, or to put her hande into  
the bonet, and to make a scroulle, and to holde  
her to her chaunce and allotment, and so con-  
sequently every lyster after other.

4.

**A**nd ye shall note, that partition by agreemet **Note.**  
may as well be made by nude and bare wordes  
without wrytyng as by wrytyng.

**A**nd yf any of the parcceners wyll nat suffer  
any p̄tition to be made, thā may the other that  
wolde have p̄tition purchase a wryt called De  
particione facienda, agaynste the that refuse p̄t-  
ition to cōpell the same to suffer p̄tition to be De p̄tici-  
on made accordyngly, and than by the iudgement one fact  
of the court, the shryfe by the serement & oþre enda.  
of twelve men shal make p̄tition bwene them  
and shall assygne to eche lyster her porcion, as  
he shal thinke good, without gyuyng any e-  
leccyon or chose to the eldest.

**A**nd yf two manours or meesles happen to  
descēde to two lysters, & the manors be nat of  
egall value, thā may he, to whom the leſte ma-  
nor or meese is allotted, haue assigned unto her

L.i. a rent

**DE pereeners,**

a rent propozyonably out of the other maner  
for the whiche rent she and her heires may dy-  
**Distres** strayne of cōmon ryght, thoughe they haue no  
of cōmon wrytynge therof.  
ryght.

**Hochpot.** **C**lyually, ye shall vnderstāde, that ys a man  
be sealed of lādes in fee simple, and hath yssue  
two daughters, and gryeth with one of his  
daughters to another mā that shall mary her,  
the thyrde or fourth part of his lande in frāke  
mariage and dyeth, ys in this case þ daughter  
that is in this wyse bestowed & auauanced, wyl  
haue her poxion of her fāthers heritage, she  
must put her lande gryuen unto her in frāke ma-  
riage in heche pot newe agayne, I meane she  
must be contented to suffre her sayd landes to be  
commixte & mengled with the other landes of  
whiche her fāther dyed sealed in fee simple, so þ  
an equall diuision may be made of the hole, or  
elles she shall haue no parte of those landes of  
whiche her fāther dyed sealed. But ys her fa-  
ther had made unto her but a common gyfte in  
tayle, or fessement in fee, she shulde nat nedē to  
put her landes in Hochpot, but may very wel  
kepe & retayne them syll, & also haue as good  
part of the rest of the lādes of whiche her fāther  
dyed sealed, as her other syster or sisters haue.  
**Frāke** **mariage.** For a grfte in frākemariage, is accompted the  
most free and most lyberall gyfte that can be, &  
that gyfte whiche the lawe iudgeth to be onely  
for the euauancement and bestowynge of the  
daughter, where as fessementes in fe simple &  
also comon gyftes in tayle be accustomably for  
ether causes, and for the auantage rather of  
the gryour, or fessour then of the taker.

**C**Also ys parceners make partition of lādes  
beyng

¶ Of soynntenauntes.

Fol. xviij.

beynge wrythn age that parteson is vnyde.  
¶ And yf parteson in fee simple make pteilid  
and the part of the one is better then the other  
beynge of full age of .xxi. yeres , then the par-  
ticion is good and can not be defeted, but yf it  
be of landes in fee tayle, the one partie beyng  
better then the other, that partition may be de-  
feted by theyz heyses.

¶ Of Joynntenauntes.

**H**Ytherunto verelyle haue we spoken of  
Loheypes called Parteners at the com-  
mon lawe, which as is heretofore decla-  
red do come to landes and other hereditamens-  
tes soynlye by the course , operacion and acte  
of the lawe. Nowe shall we speake somewhat  
of them whiche cyher soynly or seuerally cōe  
to landes, tenementes, or other hereditamētes  
by theyz owne purchase, acte, procuremet and  
wokyng. And of these they that come to the  
by ioynt tylle, waye, or colour be called joyn-  
ntenauntes , but they that come by sevall tyts-  
les, wayes, or colours to landes or tenementes,  
be named tenauntes in cōmon.

Tenātes

¶ So then, yf a man beyng sealed of landes in cōmon,  
or tenementes or other hereditamētes hat ther  
of enfeoffe two, thre, fourre, or more, to haue and  
to holde to them in fee simple , fee tayle, or for  
terme of theyz lyues , or for terme of anothers  
lyfe, these persones so enfeoffed and sealed, be  
called Joynntenauntes. Also yf two or moe do  
expell and disseise another man of any landes  
or tenementes to theyz owne behoufe and vse  
these disseisours and wryonge doers are nowe

L. li. become

**Of loyntenauntes,**

become loyntenautes, bycause by theyr owne  
acte they come loyntly to thys lande. But yf  
they do disseyle another mā to the vse onely of  
one of thē, in thiſ case they be not loyntenaun-  
tes but he to whose vſe the disseisen is made is  
tenaunt alone of the same, and the other haue  
nothyng in the tenancy, but be called aydours  
or coadiutoris to the disseisin.

**Disseisin.**

**Suryay-**  
**vour ta-**  
**keth pla-**  
**ce.**

**Dyuer-**  
**syte.**

**C**And ye shall vnderstande, þ a disseisin is þ  
perly, where a man entreth into any landes or  
rencementes there where his ente is nat lawes  
full, and putteth out hym whiche hath the fre-  
holde of the same.

**C**And ye shall furthermore knowe, that the  
nature of loyntenaunce is that he whiche sur-  
uyueth and ouerlyueth the other, shall haue to  
him selfe alone the hole & entire tenancye ac-  
cordynge to that estate whiche he shulde haue  
had þ the loynture had ben continued, as (for  
example) þre loyntenautes be of landes in  
fee simple, and the one hathe þſue & dyeth, in  
this case the two whiche do ouerlyue theyz fe-  
lowes, shall haue the hole landes betwene thē,  
and the þſue of him that is deþted getteth no-  
thyng. And if the secōde loyntenaunt hath also  
þſue & dye, the thyrd whiche hath ouerlyued  
þe boþe, shall nowe haue & enioye the hole to  
him and to his heþres for euermore.

**C**But oþerwyse it is c̄f coheþres whiche in  
our lawe be called perceners. For þf there be  
iii. siche coheþres & parcerers, and before any  
particion made, the one hath issue a sonne or a  
doughter and dyeth, his portion shal discende  
and fail to his chylde, and shall nat runne am-  
gst the other soþer heþres or coparceners.

**Howe**

¶ Of soyntenauntes.

Fol. xii.

Howbeit yf such parcerer or coheyyre had dyed wþout issue, then shulde his porçyon haue disceded to his coheyyres. But howe-not by force of suruyuour or ouerlyuynge which in latyn is called ius acrēscendi, but by very discent, for where any of the coheyyres dye wþout issue who ca be heyyre to him or her so dyenge, but þ other coheyyre to him or her so dyenge, but the other cohere or the rest of the coheyyres yf ther be many. ¶ And lyke as this ryght of suruyuer or ouerlyuynge hold eth place amōges iointenauntes of landes and tenementes, so in lyke maner it holdeth place amōges thē which haue ioynt estate or possession wþ others of chatells whether they be real or personal. As (for example) yf a lease of landes or tenementes be made to many for terme of certayne yeres, þ ouerlyuer or ouerlyuers shall haue the hole duryng þ terme by force of þame lease. So of chattelles personall, yf an horse, oxe grayne or other such personall chatell be gryuen to many, he whiche ouerlyueth shal haue the same alone. In seblable wyse it is of dettes & dutycs. For yf an oblygation be made to many for one det, & so of other couenauantes and contractes.  
¶ Also some Ioyntenauntes may be whiche may haue ioynt estate and be ioyntenauntes for Ioyntes terme of theyr lyues, and yet haue severall inheritaunces. As where landes be gryuen to two of severall men & to the heyyres of theyr two bodycs engen inheryd, in this case, these two personnes haue taunces. ioynt estate for terme of theyr two lyues. And yet they haue severall inheritaunces. For yf the one haue issue and dye, þ other that suruyueth shall haue al by force of the suruyuour for terme

L. iii. of hys

### Of ioyntenauntes.

of his lyfe. And yf he that suruyueth hath also  
ysse & dye, thā the ysse of the one shal haue þ  
halfe of the landes, & the issue of the other shal  
haue the other halfe, & they shall holde the lande  
betwene them in cōmune & shall nat be ioynte-  
**Tenaun-**  
**tes in com-**  
**mone.**  
nauntes, but tenantes in cōmon, and the cause  
and reason why such donees i such case s̄ haue  
ioynt estate for terme of theyr lyues is, for that  
at the begynnig the lādes were gye[n]t to the two  
whiche wordes without moze sayinge, make a  
ioynt estate to the for forme of theyr lyues. For if  
a man wyl let lāde to another by dede or with-  
out dede, nat makynge mencion what estate he  
hath & of thys maketh lyuerye of scisin, in thys  
case the lesse shall haue a state for forme of hys  
lyfe. And yf he haue no lyuerye of scisine he is  
but tenant at wyl. And so for almuch as þ lan-  
des were gye[n]t unto the, they haue a ioynt estate  
for forme of theyr lyues. But the cāe wher they  
haue seuerall inheritaunce, is thys, for that they  
can nat by possibilite haue an heire betwene  
the engēdred as a man and a womā may haue  
wherfore the lawe wyl that theyr estate & theyr  
inheritaunce shalbe such as reson wyl after  
the forme and effecte of the wordes of the grfe,  
and that is to the heires that the one engēdred  
of his body by any of hys wyues, & to þ heires  
that the other engēdred of his body by any of  
his wyues. So it behoueth by neccessite of rea-  
son, that they haue seuerall inheritaunces. And  
in such case yf the ysse of one of the aft þ deeth  
of the both doth dye, so that he hath no issue a-  
lyue of his body engēdred: then the donour  
wherch gaue the landes or hys heires may entre  
in the halfe as in his reuercion though þ other  
hath

**O*l ioyntenauntes.*** Fo. xx.

hath yssue alyue. And the cause is þ forasmuch  
as the inheritances be severall, therfore þ re-  
tencion in the lawe is severed, & the suruiour  
of the yssue of the other shall holde no place to **H**urne-  
haue the hole. And as it is sayd of males in the uour hol-  
same maner it is where lades be gyuen to two fe-  
males & to þ heyses of their. s. bodyes begotte. place.

**C**Also yf landes be gyuen to two and to the  
heyses of one of thē, this is a good ioyntenaun-  
cye, and the one hath a fre holde, and the other  
hath a fee simple, & yf he which hath fee simple  
dye, he that hath the freholde shal haue the hole  
by þ suruiour for terme of his lyfe.

**C**And yf these two ioyntenauntes soyne in a  
gyfte in taple to a stranger, reseruyng a rent to  
hym that hath a state but for his lyfe, thys re-  
seruacion is vayne to make a tenure. Lykewyse  
it is where tencementes be gyuen to two and to  
the heyses of the body of one of them engēdʒed  
the one hath freholde & the other fee taple.

**C**Note, yf two ioyntenantes be sealed of e-  
state of fee simple and the one graunteth a ret Rent  
charge by his dede to another out of þ whiche charge  
to him belongeth, in this case durynge the lyfe graunted  
of the grauntour the rent charge is good and by a ioynt  
effectuell, but after his decease the rent charge tenaunt  
is vayne, as to charge the landes, for he þ hath  
the lande by the suruiour shall holde all the  
lande discharged, the cause is for that he that  
suruyueth, claymēth to haue the lande by the  
suruiour and not by descent of his felowe.

**C**But otherwyse it is of peiners or coheyses  
for yf ther be. s. peiners in fe simple & before any Druer-  
pticion made, þ one chargeth that, þ to him be-  
logether by his dede of a rent charge & dyeth w-

¶ Of ioyntenauntes.

Out issue here that whiche to hym belongeth descendeth to the other parcerer and in thyse case the other parcer shal holde the lade charged by cause he cometh to þ halfe by descent as heire. ¶ Also yf there be two ioyntenautes in fee simple, wþin one borowgh where the landes & tenementes within the same borowgh be deuiseable by testamēt þf the one of þ sayd ioyntenautes deuise that whiche to hym belongeth, by testamēt, & dye, thyse deuise and legation is voide. And the cause is for that, þ no deuise may take effect iyl after the death of the testator which beþ uethed & deuysed the same, and by his deeth all the lande incontinent comoneth by the lawe to his felowe that suruyueth by the suruiuour which neþter claymeth nor hath any thyng in the lande by the deuise but in his owne ryght, by the suruiuour after the course of the lawes for this cause suche deuise is voide.

¶ But otherwysse it is of parcerers sealed of tenementes deuiseable in luche case of deuise for the cause aboue remembred. Also it is commonly sayde that every ioyntenaunt is sealed of the lande that he holdeth ioyntlye þ par my et þ par tout, that is, throughe out & by all. And this is as much to say, that he is sealed by euery parcell and by all, whiche sayenge is true for in euery parcell and part and throughe out all the landes & tenementes he is ioyntly sealed wþh hys felowe. And therfore þf the one ioyntenaunt make a fessamēt to his companion, this is vypde bycause he can make no lyperty of season to hi. Also yf two ioyntenautes be sealed of certayn lades in fee simple & thone letteth that, þ to hym belongeth to a straunger for terme of, xl. yeres & dyeth

Deuise  
by testa-  
ment.

A grounde  
of þ lawe.

Diversite

þyeth wþin the terme, in thys case after his death the leſſe may entre & occupye the halfe to him lettynge duryng the ſayd terme though the leſſee never had poſſeſſion of it in þ lyke of the leſſour by force of the leſſe. And the diſſerence betwene the caſe of the graunt of a rent charge Diversite and this caſe is this that in the graunt of a rent betwene charge by a iointenaut the landes or tenementz a grant of reſ abyde alwaye as they were afōre wþthout a rent & that, þ any hath ryght to haue parſel of the reſ a leaſe. nementes but them ſelue and the tenementes abyde in ſuch plyte as they were before þ charge. But where a leſſe is made by a ioyntenaunt to another for terme of yeres, incontinent by force of the leaſe the leſſee hath ryght in þ ſame lade that is to ſay, of al that, that to his leſſour be longeth by force of the ſame leſſe duryng hys terme. And yf the leſſour in this caſe dye the other ioyntenaunt ſhal haue the rent or ferme duryng the ſayde terme bycauſe the reuertiſon is come to hym byſuruaour. Fynally yf a iſ pnte estate be made of lande to the hufbande & wyfe and to the thyrdē persone, in thys caſe the hufbande & the wyfe haue nat in the lawe in theyr ryght but the halfe, and the thyrdē persone ſhal haue as muche as the hufbande & þ wyfe haue thaſt is to ſave, the other halfe.

¶ And the cauſe is for that the hufbande and wyfe be but as one person in the eye of þ lawe and it is here in lyke caſe as yf estate be made to two ioyntenauntes where the one hathe by force of ioynture þ one halfe, & the other the other halfe. In ſeblable wyſe it is where estate is made to the hufband and wyfe and to other two men, in this caſe the hufbande & the wyfe

L.v. haue

### Tenauntes in cōmon.

haue not but the thyrd part and the other two  
met the other two partes.

¶ Also yf two or thre togynher disseiseth ano-  
ther of landes & tenementes to theyz owne vles,  
then sache disseisours be called ioyntenauntes,  
Moare halbe sayde of this matter touchyng  
soyntenauntes in the nexte chapiter.

### Tenauntes in Common.

**T**enauntes in Common (as I sayde be-  
fore) be they that haue landes or tene-  
mentes in fee simple, fee tail, or for em-  
of lyfe, whiche haue suche landes and tene-  
mentes by severall tytle, and not by ioynt tytle and  
none of them knoweth that whiche is seueral  
to him. And in this case they ought by the law  
before partition made betwene the to occupie  
suche landes and tenementes in common and so  
vndevyded to take the profites in common. And  
bycause they come to suche landes & tenementes  
by seuerall taples and nat by one selfe ioynt  
tytle and theyz occupation and possession in the  
same is amonge them in common, they be cal-  
led tenauntes in common, or tenauntes pindi-  
uiso. As for example, yf a man infaccoffe. ii. ioynt  
tenauntes in fee simple, and the one of them a  
lyeneth that, h̄ to him belongeth to another in  
fee, nowe the other ioyntenant and h̄ to whi  
the alienacion was made be tenantes in common  
for that they be seased of suche tenementes by  
severall tytles, for the one commeth to the one  
halfe by the feoffement of the ioyntenant and  
the other hathe the other halfe by force of the  
tystre feoffement made to him and to his fryst  
felowe and so they be in by seuerall tytles & by  
severa

## Seuerall feoffementes.

**C**and it is to wyt, that when it is sayde in any Difinie boke, that a man is sealed in fee without more cion or fe sayenge or addicō, it shalbe vnderstāde fee simple only. ple, for it shal not be vnderstāde by such worde in fee þ a man is sealed fee tayle, except there be put in it such addicō(tayle).

**C**also yf thre soyntenauntes be & the one of Ioyntethem alreneth that whiche vnto hym belongeth nauntes to another in fee, in this case the alyneee is tenaunt in cōmon wth the other ii. soyntenauntes. But yet the other ii. soyntenauntes be sealed of the ii. partes soyntly, and of these ii. partes the curiuour betwene them holdeth plate.

**C**also yf there be ii. soyntenauntes in fee and the one gyueth that, that vnto hym belongeth to another in the tayle, the donee and the other soyntenant be tenantes in common. But yf the landes be gyuent to ii. men and to the heyses of theyz ii. b̄ dyes engēdred, the donees haue soynt estate for termee of theyz lyues, and yf eche of them haue issue & dye theyz issues shall holde in common.

**C**also yf landes be gruen to ii. men to haue and to holde, the one halfe to the one & to his heyses, & the other halfe to þ other & to his heyses, they be tenantes in cōmon.

**C**also yf a mā sealed of certayne lādes enſcol forth another in þ halfe of the same lāde w/out any speche of assignement or lymitacion of the same halfe in ſeveralte at the tyme of the feofement, þe the feofe & the feoffour shall holde theyz parties of þ lāde in common.

**C**and as it is of tenantes in cōmon of landes or tenemētes in fee ſimple or fe tayle, even so

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### Tenauntes in cōmon.

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men the other two partes.

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lyeneth that, h̄ to him belongeth to another in  
fee, nowe the other ioyntenant and h̄ to whi  
the alienacion was made be tenantes in cōmoi  
for that they be sealed of suche tenementes by  
severall tytles, for the one commeth to the on  
halfe by the feoffement of the ioyntenant and  
the other hathe the other halfe by foice of the  
tytle feoffement made to him and to his fr̄  
felowe and so they be in by severall tytles & bi-  
scueris

Seuerall feoffementes:

**C**and it is to wyt, that when it is sayde in any Distincke booke, that a man is sealed in fee without more cōdition of feſayenge or addiccion, it shalbe vnder stāde fee ſimple onely. ple, for it shal not be vnder stāde by ſuch worde in fee þ' a man is sealed fee tayle, except there be put in it ſuch addiccion(tayle).

**C**also yf thre ioyntenauntes be & the one of them alreneth that whiche vnto hym beþōgeth nauntes to another in fee, in this caſe the alpence is tenuant in cōmon wth the other. ii. ioyntenauntes. But yet the other, ii. ioyntenauntes be sealed of the. ii. partes ioyntly, and of theſe. ii. partes the curiuour betwene them holdeth plate.

**C**also yf there be. ii. ioyntenauntes in fee and the one gyueth that, that vnto hym belongeth to another in the tayle, the donee and the other ioyntenant be tenantes in common. But yf the landes be gyuen to. ii. men and to the heyses of theyz. ii. b. dyes engēdred, the donees haue ioynt estate for terme of theyz lyues, and yf eche of them haue iſſue & dye theyz iſſues shall holde in common.

**C**also yf landes be gyuen to. ii. men to haue and to holde, the one halfe to the one & to his heyses, & the other halfe to þ' other & to his heyses, they be tenantes in cōmon.

**C**also yf a mā sealed of certayne lādes enſeſet another in þ' halfe of the ſame lāde w/out any ſpeeche of assignement or impiation of the ſame halfe in ſeveralte at the tyme of the feoffement, the the feofſe & the feoffour shall holde theyz parties of þ' lāde in common.

**C**and as it is of tenantes in cōmon of landes or tenemētes in fee ſimple or fe tayle, even

### Tenaunt in comon.

#### Toynete- nauntes.

So it is of tenantes for terme of lyfe. Therfore  
yf two ioyntenauntes be in fee and the one let-  
teth to a man that, þ vnto him belongeth for  
terme of lyfe and the other ioyntenaunt letteth  
that which to him belongeth to another for tyme  
of lyfe also, these two lesses be tenantes in comon  
for terme of theyr lyues.

Also yf a man let lades to two me for termes  
of theyr lyues, of whō the one graunteth all his  
estate to another: the that other tenante for  
terme of lyfe, & he to whom the graunt is mad  
halbe tenantes in comon duryng the tym  
that both lesses be aliyue.

#### Question

Note yf there be two ioyntenauntes in fee,  
and the one letteth that, þ vnto him belongeth  
to another for terme of lyfe: þ tenant for termes  
of lyfe duryng his lyfe and the other tenante  
that dyd nat let be tenantes in comon. And  
pon this case a question may rysle as this. In  
the case be that the lessour hath issue & dyeth,  
lyuyng the other ioyntenaunt his felowe, & ly-  
uyng the tenant for terme of lyfe, the question  
is whether the reuersyon of the halfe that the  
lessour hath shall discende to the issue of the  
soure or whether the other ioyntenaunt shall have  
it by the suruyuoure or no. And somme haue  
sayde, that the other ioyntenaunt shall haue the  
reuersyon by the suruyuoure for as muche as,  
when the ioyntenauntes were ioyntely seylid  
in fee symply, though one of them made estat  
of that, that vnto him belongeth for terme of  
lyfe, and though he hath seuered the franke re-  
nement of that, that to him belongeth by the  
lesse, yet he hathe nat seuered the fee symply.  
But the fee symply abydeth to them ioyntely as  
it was

Tenauntes in common.

Fol. xxxii.

It was before. And so it semeth vnto the, þ the other ioyntenaunt which suruyueth shall haue the reversion by þ suruyuour. But other haue thought the contrary, and this is theys reason. When one of the ioyntenauntes letteþ that which vnto him belongeth to another for terme of lyfe by suche lease the franke tenement is seuered from the ioynture. So that the reversion that is dependaunt vnto the same franke tene ment is seuered from þ iointure. Furthermore þf the lessour had reserved to him a perely rent vpon the leſſe, the lessour onely shulde haue the rent which is a pfofe þ the reversion is only in him and that the other hathe nothinge therin.

Also þf the tenaunt for terme of lyfe were impledled and make defaut after defaut, þ les-  
sour shalbe onely here vpon receyued to defende his right and nat his felowe, whiche proueth þ reversion of the halfe to be onely in the lessour and so consequently, þf the lessour dye, luyng the lessee for terme of lyfe the reuersyon shall discende to the heires of the lessour and shall not come to the other iointenaunt by the suruy uour after these mens opinions, yet it is dout But in this case, þf the ioyntenaunt that hath the franke tenement, haue issue & dye, luyng the lessour and the lesse, than it semeth that the yssue shall haue the halfe in his demesne, as of fee by descent for as muche as the franketene-  
ment may nat by nature of the ioynture be annexed to a reversion, and it is certayne that he that letted, was sealed of the halfe in hys de mesne as of fee, and that none shall haue any ioynture in his franke tenement. So that this shall discende to his yssue.

Resceyle

Quere.

Yf

Tenauntes in cōmon.

Release.

**C**yf thye soynenantes be, & the one released by his dede to one of his felowes all the rygh he hath in the lande, the hath he to whōē then leas is made þ thyde part of the lādes by force of the release, and he & his felowe shall holde other ii. parties soynly. And as to the thyd part þ he hath by force of the release he holden it with hym selfe and his felowe in cōmon.

**A**nd it is to wyt, that sometyme a dede of tenas shal take effect to put the state of him that made the releas in him, to whom the releas is made as in case afore s. pde.

**A**lso yf a soynt estate be made to the husband and wyfe & to a thyrd personne, and the thyrd person releaseth hys ryght that he hath to th husbande: then hathe the husbande the halfe whiche the thyrd person had, and the wyfe the thyrd hath nothyng. **H**emblaby yf the thyrd son had released to the wyfe nat namyng the husbande in the releas, the shulde þ wyfe haue the halfe that the thyrd person had, & the halfe nothyng of this but in ryght of his wyfe because such releas shal enure & serue to put all the ryght that a man hath that made the lease in hym to whome it is made. **A**s a matynge sealed of certayne landes is disseised to two disseisours yf the person disseised by his dede release all hys ryght to one of the disseisours, the he to whom the release is made shal haue and holde all to hym alone & put out his felowe of the occupation of it. And the caūce is for that the two disseisours were sealed þ

wzong

Dyssey-  
cours.

**Tenauntes in cōmon.** Fo. xxxii.  
wronge by them done agaynst the lawe, & whā  
one of thē getteth the releas of him þ had right  
to entre, this ryght resteth in him to whome the  
release is made, & in suche plyte as if he þ had  
the ryght had entred and enfeoffed hym of the  
same. And the cause is, for that he that before  
had an estate by wronge hath nowe by the re-  
lease a ryghtfull state.

**And in some case a release shall enure and Release**  
take effecte by way of extinguishemēt, & such by way  
a release shall helpe the ioyntenant to whome of ertyn-  
the releas was nat made as wel as him to whō  
it is made, as if a man be disseised, and the dis-  
seisour maketh a feoffement to two men in fee  
þf the plon disseised release to one of the feof-  
fes in fee by his dede, thā such realles shal enure  
to bothe the feoffes bycause the feoffes haue  
estate by the lawe, that is to saye by the feoffe-  
ment and nat by wronge done to any other.

**And in lyke maner þf the disseisour make a**  
lease to a man for terme of lyfe, the remaynder  
over to another in fee, þf the dyscyslic wyll re-  
lease to the tenant for terme of lyfe al his ryght  
this release serueth as wel to hym in þ remayn-  
der, as the trenaunt for terme of lyfe. And the  
cause is for that the tenant for terme of lyfe co-  
meth to his estate by the course of the lawe, &  
for this caūe the release shal enure and take ef-  
fecte by way of extinguishemēt of the ryght of  
hym that hath released. And by this release the  
tenaunt for terme of lyfe hath no greater estatē  
than he had before the release made vnto hym  
and yet the ryght of hym that released is al vt-  
terly extyncte and gone. Wherfore forasmuch  
as such release can nat enlarge the state of þe  
naunt

### Tenauntes in cōmon.

naunt for terme of lyfe, it is reason, that it shal serue him in the remaynder.

Also yf there be two parceners, and the on alyeneth his part to another: þ other parcener and the alyene be tenauntes in common.

### Tenauntes in com mon by tyle of prescription

Furthermore tenauntes in common may be by tyle of prescription yf the one & his ancestors or they whose estate he hath in þ hal haue holden in cōmon the same halfe with the other tenaunt þ hathe the other halfe and with his ancestors or them whose estate he hath & vndeuyded tyme out of mynde.

### Actions General.

And ye shal marke, that in some case tenauntes in cōmon ought to haue of theyr possessiōn severall actions, & in some case they shal toy in one action, for yf there be two tenauntes in cōmon & they be disseyld, they ought to haue agaynst the desseroulour two assyles and nat one assyle. For every of them ought to haue an assyle of his halfe, bycause they were sealed in severall titles, but otherwyse it is of coincidentes, for if thre be xx. coincidentes & they be disseyld, they shal haue in al theyr names but on Assyle, bycause they haue but one toynt tytle.

### Assyle.

Also yf there be thre coincidentes, of whiche the one releaseth to one of his felowes all the ryght he hath and afterwarde the other two be disseyld of the hole, in this case they shal haue in both theyr names one assyle of the two partes. And as to the thyrde parte he to whom the reales was made ought to haue therof an assyle in his owne name, bycause as to þ thyrd parte he is tenaunt in common.

### Dyuer- sity.

Also as to sue actions þ touche the realty there is a diversite betwene parceners that

Dyuer-

in divers disseentes, and tenauntes in common. For yf a man sealed of certayne landes in fee, hath issue two daughters and dye, & they entre into the landes as coheires, and eche of hem hath p̄stat a sonne & dye without prision made betwene them, so that the one halfe discedeth to the sōne of the one p̄cener, & the other halfe to the sōne of the other and they ente & occupy in comon, & be diseased, in this case they shal have in theyz two names one Assyle, & nat two Assiles. And þ cause is, though they come in by dyuers disseetes, yet they be coheires & p̄ceners

Also yf two tenauntes in common of certayne landes in fee, gyue the same to another man in the tayle, or let it to another for terme of lyfe. yeldyng an annuyie or certayne rent or a pounde of Peper, or an hauke or an horse, & they be sealed of these seruyses & afterwarde all the rent is behynde and they dysstrayne for it and the tenaunt maketh there rescous, in this case as to the rent & the pounde of Peper they shall haue two Assyles, and as to the Hauke & the Horse but one Assyle. And the cause whre they haue two Assyles as to the rent & pounde of Peper is, for that they were tenauntes in common by several tytles, & whā they made a gyft in the tayle or lease for terme of lyfe, sauyng & reseruynge to them the reversion and yeldyng to him certayne rent: this reseruacion is incydent to theyz reversion.

And bycause theyz reversion is in common & by several tytles, even as theyz possession was before the rent and other thynges which maye be seuered and which were to them reserued vpon the gyft or vpon the lease whiche be incydent

### Tenauntes in comon.

dent by the lawe to the reversione) therfore such thynges so severed be of the nature of reverns Wherfore it behoveth that þ rent & the pounde of Peper whiche may be leuured be to the inch mon by severall tytles. And of this they shal hane two Assylyes & every of them in his Assyl shall make his playnt of the halfe of the rent of the halfe of the pounde of Peper. But of hauke and the horse which can nat be severa they shal hauke but one Assyle, for it were an assydire & thinge inconuenient to make a playn in assyle of the hake of an Hawke, or of þ halfe of an horse. In lyke maner it is of the oþre tenentes and seruices that tenuantes in common haue in grosse by dyuers tytles.

**Parson:** And ye shall understande that concerningys action parsonals, tenuantes in comon ought haue them soynly in al theyz names, that is to saye of trespass or of offences that touche thy tenementes in comon, as of breakeyng of thy houses, breakeyng of theyr closes, and pastur walstyng and defoulyng of theyr grasse, or tynge of theyr woodes, & of fylshyng in thy pondes, and such other, and they shal receve soynly damages, because the action is in thy parsonalite & nat in the realte.

**Damage.** Also yf tenuantes in common make a leal of theyr tenementes to another for terme of þre yeldynges vnto them perly a certayne rent þt the rent be behynde, they shal haue one acyon of Det agaynst the lesse and nat dyuers acions, bycause the acyon is in the parsonalite.

**Anoury.** But in auoury for the sayd rent, they ought to levere bycause it is in the realte as the assise

**Tenauntes in common of chatels.**

Tenautes in common.

Fo. xxvi.



It is to be knowen, þ as there be tenautes in comon of lades or tenementes: so there be tenautes i comon of possessiōs & pperies of chatels as wel real as personal. Of real as if lees be made of certain landes to two me for tyme of. xx. yeres, & whā they be therof possessed þ one graūteth that, þ vnto him belōgeth, durynge the tyme to another he to whō the graūt is made & the other shall holde & occupye in comon.

If also yf two iorntenautes haue the warde of the body and of the landes of an heyre Joynte-naund of Win age, & thone of the graūteth to another that, þ vnto him belongeth of the same warde, thē he awarde, to whome the graūt is made, & þ other þ graūteth not shall haue & holde it in comon.

¶ Of chatels parsonels, as yf. li. haue a soþe estate cyþte or by býenge of an horſe, or of an oxe, or suchc lyke, and the one of them graunteþ that, þ to hym belongeth here shall the graunte and he that graunted not, haue & possede such chatel personal in comon. And in suchc cases where dyuers plons haue chatels reals or personals in comon and by dyuers tytles yf one of the dye, the other that suruyueth shall not haue his felowes parte by the suruyuour, but the executors of him that dyeth shall hold & occupye it wþ him þ suruiuer ih̄ i like fourme as their testatour dyd or ought in his lyfe, forasmuch as their titles & rigthes were several.

¶ Also in þ case aforesayd, yf two haue estate in comon for termes of yeres, and the one doþe

D. li. Occupye

of chancery.

occupye all and put the other out of his posses-  
sion and occupation, he shal he that is put out  
**I**wy়t de haue agaynst thoþer a wyt de Electione fit-  
cietione me for the halfe. In semblable maner when  
firme. two holde the warde of lande or tenementes  
duryng the nouage of a chylde, yf one shal put  
out the other of his possession, he that is out

De cest one custodie shall haue a wpyt, de Eiectione custodie of the halfs, bicausse these thinges be chatels reales, may be apporcioned and seuered. But no acc

**Trespas.** there (as for example) Quare clausū suū fregit  
herbam suā conculeauit et consumpit noꝝ such  
lyke accions ) forasmuch as eche of them may  
entre and occupre in common . But yf two be  
possesseſed of chatels glonels in common by dy  
uers tytles as of an horſe, or an ore, cowe, yf  
the one take it all to him ſelue out of the poſſeſſion  
of the other, the other hath none other re  
medye, but to take it agayne from him þ hath  
done him the wronge, when he may ſe his tym  
**C**In lyke maner of chatels reals whiche may  
nat be ſeuered, as in the caſe aforſayd, when  
two be poſſeſſioners of a warde of the body of  
a chylde within age, yf one shall take a chylde  
out of the poſſeſſion of the other, the other hath  
no remedy by any actio at the lawe, but to take  
the chylde out of the others poſſeſſion, whyn  
he ſeeth his tymz .

**Fourme  
of ple-  
dynge.**

If finally ye shall understande that what man in pledynge & declarynge his cause wyl shewe a dede of feoffement made vnto him or a gyft in the tayle or a lease for terme of lyfe of any landes or tenementes, shall use his termes in this wyse, and lase, by force of such feoff

**O**f pition by soyntenautes. Fo. xxvii.  
merite, gypste, or lease, was sealed.

**B**ut where a man wyl declare or pleade a  
lease or agraut made vnto him of a charel real  
or personal, these he shal say by force of which  
he was possessed,

**O**f particion to be made by soyntenautes  
& tenautes in cōmon inacted.

Anno. xxx. H. viii.

**A**ll soyntenautes & tenautes in cōmon  
of any estate of heritacie in theyr own  
ryghtes or in the ryght of theyr wyues  
of any landes or heredytamentes wþthin this  
realme of Englaud, wales, or the marches of  
the same, shall and may be compelled to make  
particion betwene them of the same whyche  
they so holde as soyntenautes or tenautes in  
cōmon by wþt de pitione facienda to be  
deuysed in the chauncery in lyke maner as co-  
parceners are compelled to do, and the same  
wþt to be pursued at the common lawe. And  
after suche pition made every of þ layd soyn-  
tenautes & tenautes in common, shal & may  
have ayde of the other or of them heyses, to  
thalent to dereigne the warrantie paramouile  
and to recouer for the rate as is vsed betwene  
coparceners after particion made by the ordre  
of the cōmon lawe.

Wþt de  
Participa-  
tion  
facienda  
Item in the  
xxiii. yere of kyng Henry the  
viii. Cap. xxix. It is further inacted that all  
soyntenautes & tenautes in cōmon which holde  
soyntlye or in cōmon for terme of lyfe, pere or  
peres or soyntenautes or tenautes in cōmon  
where one or some of thē haue estate for terme  
of lyfe or peres wþt other that haue estate of

Tyde  
prayed.

D. iii. m

### ¶ Of condicions.

Inheritaunce or free holde in any lades or other hereditamentes shalbe coquellable by wryt of Partition to be pursued out of the chancery vpon theyz cases, to make seuerauice & partition of all suche lades & hereditamētes as they hold ioyntly or in common for terme of lyfe or lyues, yere or yerēs where one or some of them holde ioyntly or in common for terme of lyfe or yerēs wryth other that haue an estate of inheritaunce or free holde. Provydeth that no such partition nor seuerauice, be hurtfull to any person other then suche as be parties vnto þis partition theyz executors or assyngnes.

### ¶ Of condicions.



¶ As muche as euerye estate is either pure or cōdicionāl, it wrennat amyssē to make some decleration of the nature and efficacē of condicions. Wherfore þe shi understaide þ of condicions, som be actual condicions, & be called expresse condicions or condicions in dede, and other som be condicions in lawe whiche be called also latyne Conditions tacite, sive condicōnes cōplicite, bycause they be secretly implied by the lawe and nat expressed.

¶ Cōdicions in dede be suche as be knyt and annexed by expresse wordes to the feoffement lease or graunt, eyther in wrytyng or withholden as for example yf I infcoffe a man in certayn landes rescrupinge to me and to my heyyres muche rent perely to be payde at suche a feal and for defaute of payment, þis shalbe lawfull forme to reentre, thys is a feoffement vpon cō-

### Division,

Cōdicions in dede.

Of condicōn. Fol. xviii.

cōn of payment. And here the nat payment of  
the rent shal dissolute & utterly defete the feoffe-  
ment, seblably it is of gyftes in tayle leases. &c.  
**C**But yf the condicōn be, that for defaute of  
payment of the rent, it shalbe lawfull for the  
feoffour to entre agayne into the lades and to  
holde them yll he be cōtent and satisfied of  
the rent, this cōdicion nat performed doth nat  
dissolute nor vndo the feoffement, but only gy-  
ueth to the feoffour an auctoritie to retayne  
the landes (as it were by waye of distresse) yll  
he hath leuied the arreages of the rent. And ye  
shall wel marke and obserue, that condicōns  
be sometyme made to be pformed on the feof-  
fees behalfe, & sometyme on the feoffours be-  
halfe. On the feoffees behalfe, as when I en-  
feoffe you of landes or tencimētes vpon cōdi-  
cion þ ye shal do such an act, as to pay vnto me  
or to myne heires luche annuel rent.

**C**On the feoffours behalfe, as when I make  
a feoffement vnto you vpon cōdicion that yf I  
pay or cause to be payde vnto you before such  
a daye luche a summe of money, then it shalbe  
lawful for me to entre agayne and retaine my  
lades in my former estate. In this case he þ is  
the feoffee, is called tenant in morgage, whch  
is as muche to say as dede gage, and it semeth  
that þ cause why it is so called, is for as much  
as it is doubtfull whether the feoffoure wyl  
pay at the daye hympted & pscrived such sume  
of money for the redempcion of hys landes or  
no, for yf he do nat, hys tytle or interesse in the  
landes thus gaged and oppygnorate is utterly  
eruyncte & gone without all hope of renuyng.

**C**Ye shall also note, that yf the morgagcoure

Dystres.

Tenanc  
i morgage

D. llii. dyeth

Of condicions.

dyeth before the daye of paymēt, his heire may  
re deme the lande very wel, even as wel as hys  
auncestour h̄ morgaged the lande myght haue  
done, althouȝhe there be no mencion made of  
heires in the wryngē.

¶ Also yf when the money is lawfully by th̄  
morgagout or his heire rendred and p̄fected,  
& the fesser refuseth to receyue þ same the feof  
four or his heire may entre, & th̄e hath þ feoff  
no rededy for hys money at the comon lawe.

¶ Ye shal understande also, that somē condic  
tions be vterly voyde in the law, & of none ef  
ficacie, vertue, or strength, as yf a fessōment  
made of landes in fee simple vpon condicion  
that the feoffe shal nat alienē or put awaye th̄  
same to none other, thys condicion I saye  
voyde, bycause the feoffee is restrained of hi  
hole power that the lawe ḡyueth in luche cal  
vnto hym, and whiche power and lybertie, i  
n maner included in every feoffement. Yet  
may abydḡe hym of parte of his power, &  
to condicion wþth hym that he shal nat alien  
the landes to luche a persone or luche. But  
gyftes in tayle otherwylle it is, for yf I gyf  
landes to a ma and to the heires of hys boþ  
lawfully begotten vpon condicion that hem  
hys heires shal alienē the landes to none oþ  
personē, thys condicion is good and effectuall  
in the lawe, & yf he or hys heires contrary to th̄  
condicion do alienē them, the the gyuer or hi  
heires may very well entre and retayne the li  
des for euer bycause thys condicion shall st̄  
wþth the fornamed statute of westmynster  
conde whiche prohibyseth luche alienacionis  
be made.

Condici  
ons voyde

Gyftee in  
tayle vpo  
condicion.

Hyþerunt

Of condicions. Fol. xxii.

**C**hytherunto haue I spoken of condicions in  
dede, now wyl I shewe what be condicions in  
lawe that be annexed to any estates.

**C**nowe ye therfore, that yf the offyce of a Estates  
Parker, stewarde, Lestable, bedell, or barlyfe vpon cons  
or suche lyke offyce be graunted to a man for tyme dicionis in  
of hys lyfe, though there be no condicion at al  
mencioned in the graunt, yet the lawe speaketh  
of a condicion in this case, whiche is that yf the  
partye to whom suche offyce is gyuen shal nat  
execute all pointes apperteynynge vnto hys of  
fyce accordyngly, by hym selfe or his lawful de  
putye, it shalbe lawfull for þ grautour to entre  
and discharge him of his office and this condi  
cion is called a condicion in lawe. There be also  
þre other maners of estates vpon condicion that  
is to saye, condicions agaynst the lawe cond  
icions repugnant, and condicions impossible.

**C**yfist estates vpon condicion against þ lawe  
be, as yf a man maketh a feoffement, gyft graunt  
or lease vpon condicion that yf the feoffours,  
doneours, grautours, or lessours kyl I. H. whi  
che is nat the kynges enemy, or burne his house  
that then it shalbe lawfull to the feoffours, do  
nours. &c. to reentre, thys condicion is vnyde  
and thestate is good.

**C**onditio  
ns a:  
gainst the  
lawe.

**A**nd lyke lawe is yf such condicions be to be  
þforwmed of the parte of the feoffe, graunte &c.  
**B**ut yf case be þ a lease for terme of yeares  
be made of lande vpon condicion that yf the  
lessee kyll I. H. that then he shall have fee sim  
ple although þ he in thys case þformis þ con  
dicion, his estate is nothyngþ thereby enlarged  
bycause the condicion is agaynst the lawe.

**A**lso ye shall understande that where an ob  
ligacion

¶ Of condicions.

**Obligacion.** Lygation is endisled with a condicion the which is agaynst þ lawe: both the obligacion, & also þ condicion be clerely voyde in the lawe.

**Condicions repugnant.** Estates vpon condicions repugnant be as yf a seoffement or a gypte in tayle be made vppon condicion that the fesse or donee, shall take no profyte or shall do no wast, and such other lyke suche condicions be voyde and the state good and effectuall in the lawe notwithstanding. Also yf a lease be made for terme of lyfe vppon condicion that he shall do sealte this is a voyde condicion.

¶ Likewise it is yf a man that hath nothyng in the maner of Hale graunteh a rent chargoyng out of the same vpon condicion þ his person whal nat he charged this graunt is good and þ condicion voyde.

**Condicions impossiblē.** Estates vpon condicions impossiblē be as yf a seffement be made vpon condicion that the fesse goeth not thoughe the see on fote n̄ Caleys in one day then it shalbe laweful to the fesse to reenter, this is a frustrate & voyde condicion & yet the state is good.

¶ Lyke lawe is of a lease made for terme of yres, &c. or an obligacion with a condicion impossiblē. vt sup. the obligacion, or lease is good and condicion voyde to all purposes.

**An acte howe straungers shal take auantage of condicions made.** A. xxii. H. viii.

**I**t is enacted that aswell persone whiche have or shal have any gyft or graunt of thlynge by hys letters patentes of anye landes, personages, tytles, or other heredytametes, or of any reverstion of the same whiche dyþ belongy

belode to any monastery or other ecclesiastical  
house dissolved or otherwyse come into the  
kynges handes syns the .iii. day of Februariye  
in the .xxvii. yere of our soueraigne lord kyng  
Henry the cyghe, or whyche at any tyme hereto  
fore dyd belode to any other person, & after  
came into the kynges handes, as also all other  
persones beyng grauntes or assygnes to the  
kyng or to any other person, theþ heires ex-  
ecutours, successors, and assygnes, whal haue  
lyke auantage against the fermoures, & theþ ex-  
ecutours, administratours & assignes by entre  
for nat payment of the rent, or for doyng wast  
or other forfayiture, & also shall haue þ same a-  
uantage by acciō only of nat pfourmyng of  
other condicōns couenātes or agreemēts cōtey-  
ned in the indentures of theþ lessors or graūtes  
agaynst the layd fermoures, and graūtes, theþ  
executours, administratours, & assignes, as the  
sayd lessours or graūtors the selues myght  
haue had at any tyme. And agayne mutually  
and on the other syde, the layd fermoures, and  
graūtes for terme of yeres, lyfe, or lyues, theþ  
executours, administratours, & assygnes shall  
hane lyk auantage agaynst the for any condi-  
cion couenaunt or agreemet cōtayned in the said  
indenture, as they myghte haue had agaynste  
theþ sayd lessours & graūtors theþ heires &  
successours all benefytes & aduaantage of rec-  
verys in value by resō of any warrāty of dede  
or in law by voucher or otherwyse only except.  
¶ Provided that thys acte shal nat extende to  
charge any person fer breche of any couenaunt  
or condicione comp̄yled in any such wrytyng,  
but for such as shalbe broken and nat parfor-  
med

Lyvery of season,  
med after the fyrt daye of Septembre in  
xxiiij. yere of this kyng and not before.

**L**yvery of season, and atturment.

**S**o all feoffementes, w  
tes in tayle, leases for  
of lyfe, or for tyme of an  
thers lyfe, of lades or in  
mētes, there can be no  
teracyō transmutacyō  
possessiō by þā cūyent  
wes of this realme on  
there be a certayne cer  
ny adhybyted and solemnysyd in þā presene  
lyght of ney thbours or others, whch cer  
ny is called lyvery of season.

**T**and ye shal vnderstāde, that thys ceremoni  
of lyvery season is done, whan the feoffour  
nour, lessour or theyr deputye come with  
neyghbours solemnly to the landes or ten  
tēs, and they put the feoffe, donee or lesse in  
lessyon of the sayd landes or tenementes by  
lyverynge vnto him a clodde of erth or þā ryng  
of the dore, or some other thyng in the name  
season, and for this selfe cause thys ceremoni  
of lawe is called lyvery of season that is to  
a tradition or gyuring of season.

**D**ynersli  
te betwe  
ne posses  
sion and  
season.

**T**But this ceremony is nat required in less  
for terme of yeres or in lesses at wil forasmuch  
as the lessour in suche case remayneth still se  
led, and the lessee hathe onely possessyon w/o  
ut the seafine, and therfore the termes of  
lawe be, that such a man is possessed where a  
in feoffementes, wptes in tayle, and leases for  
lyfe, he is called sealed.

wh

**T**Wherfore yf a feoffement or lease for lyfe  
be made of landes or tenementes and before þ  
the lyuery of sealinc be made the feoffour dyeth  
the heire of the feoffour shall haue the landes  
þer summu ius, that is to say by the rigour of  
the lawe, natwithſt a dynge that the fefee hath  
payde to the feoffour the pycce of the lande, and  
although the fefee be in possession. But other  
wyse it is of a lease for terme of yeres.

**A**lyke ceremony is vſed, whan rent charge  
rent seruice, rent in grosse, auouson in grosse,  
þyllayn in grosse, comon in grosse, comon for  
bealtes certayne, estouers, & ſuche other thyn-  
ges as passe by way of graunt, be graunted for  
it is no full & pfyte graunt, tyll it be colgnyate &  
fealed as it were wþ ceremony of atturment

**T**his atturment is nothinge els, but whē atturment  
the tenant of the lāds of which the reuersyon  
is graunted, or out of whiche a rent is graunted  
do make ſome euydent ſygnification and toke  
that he accepteth the perſon of whō the graunt  
is made to be in the ſame respect unto him that  
the grauntour was. As for an example, yf the  
tenant of the lande after he haue herde of the  
graunt cometh to the grauntee that is to wyt,  
to the perſon to whom the graunt was made &  
ſaye in this wyſe, or in lyke effecte.

**I**Agre me vnto the graunt made vnto you Howe at  
by ſuche a man, or I am well apayde & cōtēted tūnemēt  
of the graunt þ ſuche a man hath made vnto you halbe  
But the moſt uſuall & frequent forme of attur- made.  
ment is to ſaye. Syr I atturne vnto you by  
force of the ſayd graunt, or I become your te-  
naunt, or to deliuer vnto the grauntee a penye  
or a halfe peny by way of atturment.

**Lycery of seacion.**

**C**yl a man maketh fyfte one graunte to on person, & after another to another person thi graunte shall stande to whiche the tenaunt w<sup>t</sup> atturme althoughe it be the latter graunte.

**C**And ye shall note, that yf a man be seale of a manour whiche is percel in demene, & pe cell in seruyce, and dothe alyne the same manour to another, onelesse the tenautes of manour do atturme hys seruyces shal not passe, or tenautes at wyl excepted, for it nedeth non cause them to atturme.

**C**Now furthermore there is a greate dyfference betwene gyuyng a peny in name of kyngs, and gruyng by way of atturment, whan it is gyuen of the tenaunt to that graunt in the name of sealine, it doth nat only imphane atturment, but also it gyueth him such sealynge, that yf the rent afterwarde were lynde and not payde, he maye nowe vpon sealine of the peny, ask a lawful distres taki after rescous made, bryng an Assise of Nos disseisin, where as yf it were gyuen onely by way of atturment he coulde not bryngget Assise, but his wryt of Rescous onely.

**Assise.**

**Wryt of  
Rescous**

**Tenure  
ment is.**

**C**Also ye shal understande, that where lat be deupsable by testamēt by the custome of auncient boroughe or cyrke, yf there the mesyon of any landes be by testament bequeath to a man in fee, and the testatour which w<sup>t</sup> the deupsout dyeth the deupsle, that is to say he to whom the deupsle was made hath for with the reuersyon in him without further remonye of atturment. Lykewyle it is a man by testament doth bequeath a rent chare that he is sealed of, or a rent seruyce, therri

deth none atturment at al.

not arguſt

**C**yf two toyntenauntes be of lande and the lyfe.  
lorde graunteth the scruyces to another, yf one  
of the toyntenauntes atturneth it is yngouſe.  
Fynally, yf a lease be made for term of lyfe, þ  
remaynder to another in tayle, the remaynder  
over to the ryght heypre of the tenaunt for tyme  
of lyfe, yf in this case the tenaunt for term of  
lyfe wyll graunt hys remaynder in fee to ano-  
ther by hys dede, this remaynder possesſeth forth-  
with without any atturment, for yf any at-  
turment were requyſite, it shulde be made of  
the tenaunt for term of lyfe, which in this case  
is the grauntour himſelue. And in wayne it is þ  
the grauntour fulde be inforced to atturme, þ  
Cyf an atturment is adhſbired & had to none  
other purpoſe, than to haue the cōſent & agree-  
ment of the particular tenaunt, to thintet þ it  
may appere, that he hath no ynce and knowlege  
of this graunt but here where as þ plicual te-  
naunt himſelue is the grauntour, an atturment  
were ſuperfluouſ, and more than nedēd.

**C**oſte furthermoze þ where there is lorde  
and tenaunt and the tenant leaffeth his tene-  
mentes to a woman for lyfe le remayndre over  
in fee the woman taketh a hulbāde & after the  
lorde graunteth the scruyces &c. to the hulbāde  
in this case duryng the couerture the ſeruices  
be put in ſuſpēce. But yf the wyfe dye huyng  
the hulbāde, the hulbāde & hys heypres ſhall Hulbāde  
haue the rent of the in the remayndre &c. And in  
this caſe there nedeth no atturment by warde  
bycauſe the hulbāde that ought to atturme ac-  
cepteth þ graunt of þ ſeruices the which accep-  
taunce is one atturment in the lawe.

### Of serutce.



Ytherunto haue I bryetlye touched & ouertune the sundry bydes and formes of estates. Now forasmuch as there is no tenuer but hathe vnto it some servyce knyt and annexed, it were necessary to declare howe many kyndes of seruyces there be, & what seruyce is due to every tenure. For the knowlege hereof ye shall stande, that the pryncipal and most commyn kynde of seruyce that the tenaunt oweþ to his lordis called knyghtes seruyce.

### Knyghtes seruyce.

**K**nyghtes seruyce includeth homage, altie and for the most part escuage. whosoever holdeth his lades by knyghtes seruyce, is bounde by the lawe of this realme to do vnto his lordes homage and fealte, and pay for most parte escuage, when it shalbe fessed by anchorite of parliament, as hereshew more playnly shalbe declared.

**H**omage is the most humble and reverent seruyce that a man of free estate & condicions do, for when the tenaunt shal do homage to his lordis, the lordis shal syre and the tenaunt shal knele before him vpon bothe knees, holding his handes betwene his lordes hedes, and shal saye the in this wyse. I become your man fro this day forthwarde of lyfe and of meber and earth do hommage, and to you shalbe earthfull and dñe. and sayth to you shal beare for the landes, clayme to holde of you, sauyng þþ farþer that heare vnto our soueraygne lordis the kinge, then the lordis so syringe þþ kysse hym. If an ecclesiasticall person whiche by his oþer.

and profession hathe addicted hym selfe to the seruyce of God in especial, shall do homage to his lordes he shal say: I do to you homage, and religious shall be to you fayrfull and true, and fayrf to pson shall you shall beare for the tenementes that I holde say 'when of you, sauyng the fayrf which I owe to our he dothe soueraygne lordes the kynge. homage'.

**A**lso when a woman nat maryed dothe homage to her lordes, she shal nat say, I become What a your woman, for it is not conuenient þ a woman woman shulde be the woman of any other then of her husbande that she shall marye, but shall saye even as ihe ecclesiastical person sayth: I do vñ to you homage. ic,

**A**nd yf perchaunce a man holdeth sundry landes and tenementes of sundry lordes, and every of them by knyghtes service, then in the ende of his homage makynge he shall saye sauyng the fayrf þ I owe to our soueraygne lordes the kynge, and to myne other lordes,

**A**nd none is bounde to do homage to the lordes, onles iþ be such a tenuant as hath in þe nātre an estate of fee symple, or fee tayle, eyther iþ his owne right, or in þyrght of another.

**F**or yf a woman haue landes or tenementes in fee simble or fee tayle, why he she holdeth of her lordes by knyghtes seruice, and taketh an husbande and haue issue, in this case the husbande in the lyfe of his wyf shall do the homage, because he hath a tytle to haue the landes by the curresy of Englande yf he overlyf ueth her, and also he holdeth them nowe in his wyfes ryght, yet before issue hadde betwene them the homage shall be made in both theyr names, But yf the woman dyeth before any

Whate  
nātre shal  
do homa-  
ge.

Bnyghtes seruyce.

homage made in her lyke, & the husbande in  
lyke, and the husbande kepeith syll the land  
as tenant by curtesy, nowe he shal nat do  
mage to his lord by cause he hathe nowe an  
estate but for terme of lyke.

Fealtie.

Howe a  
tenant shal  
do fealtie,

Diversite  
betwene  
homage &  
fealtie.

Escuage.

**F**ealtie is as much to say as a fidelith  
faythfulnes, in dognge wherof the tenant  
holde his hande vpon a booke, and saye the  
Hearc you this my lord, I to you shal be ful  
and true, and fayth to you shall beare so  
landes and tenementes, whiche I claym  
holde of you, & duely shall do you the custome  
and scruyces whiche I owe to do you at  
times assigned, as me helpe the God & his sai  
And then he shall kyss the booke, but he shal  
nat knucle as he that doth homage, nor do shal  
humble or reuerent seruice as is before decte  
in homage.

**A**nd ye shall obserue, that homage can  
be done but to the lord him selfe, where as  
steward of the lordes court or the baylisen  
take fealtie for the lord. Also tenuante  
terme of lyke shall do fealtie, but homage &  
sayde, he can nat do.

**H**owe as concernyng escuage, that is  
say, the scruyce of the shylde ye shal vnderstond  
that he that holdeth his lade by escuage, &  
the kynge maketh a ryage royall into Sc  
lande for the subdugnge of the Scottis, is bo  
tis be with the kynges Maestie by the space  
xi. dayes well and conueniently arayed and  
poynted for the warre. And he that holdeth  
lade but by the moytie of the fee of knygh  
seruyce, is bounde by the force of his tenanc  
be with the kyng by the space of xx. dayes,

Knygghtes seruice. Fo. xxxiii.

To propereynably accordynges to the rate and  
quanticie of his tenure.

**B**ut nowe to our institute and purpose, af-  
ter this voyage royal into Scotlāde, in whiche Parlyas-  
the Kynge goeth in personne, and after the ment,  
retynge into Englande agayne, a parlyament is  
wont to be comonned, in which shalbe prescri-  
bed and assed whan euery person that helde  
his lande by horrage and went nat with the  
kynge neyther by hym selfe, nor by his deputie,  
shall pay to his lordē in satysfaction of his nat  
seruyng, and accordyng to the taxton hereof  
euery tenaunt shall paye to hys immediate lordē  
whether it be the kynge or other after the rate &  
porcion of his tenure yf he holdeth by an hole  
fee, he shall paye the hole escuage, yf by a moy-  
tyme, the halfe, yf by the fourth parte of a fee þ  
fourth parte. &c, and this money thus assed Dyfress  
is calle d scutage or escuage, for whiche the lordē for escua-  
ge whome it is due, may very wel for the none ge.  
payment therof distreyne.

**B**ut here it is to be noted, that some te-  
nautes by custome vsed tyme out of mynde are  
bounde to pare but the moytyme, or the thyrd  
parte of that whiche shalbe assed and lympt  
by acte of parlyament.

**Y**ea, and the custome is in some place, that  
to what summe of money so euer escuage is  
assed, the tenautes shall pay never but such  
a certayne summe of money and this kynde of  
escuage is calle d escuage certayne, that is to  
say where escuage is assed by the parlyament  
to a more or lesse summe the tenaunt to pay to þ  
lordē. v.s. and no more nor no lesse. &c. Such a  
tenure is calle d Socage tenure & nat knyghtes

E.ii. Seruice

Escuage  
certayne.

¶ Of warde mariage,

scrupce, where as the other is called escuyce  
vncertayne.

**E**scuage vncertain ¶ Fynally ye shall vnderstande, that escuyce vncertayne is always adiuged to be knyght scrupce, and draweth unto it warde, mariage and reliese, but escuage certayne is no knyghtes scrupce but is of þ tenure of socage as þ be hereafter moxe ampli shewed.

¶ Of warde mariage and reliese.

**E**very knyghtes scrupce draweth vnto warde, mariage, and reliese. Wherfore it is nowe ryght expedient somewhan

cutt. a e of rhen.

Warde.

¶ Ye shall therfore be admonysched, þ whethe the tenaunt which holdeth his lande by knyghtes service dyeth, þ is heire male beyng at the tyme within the age of. xxi. yeres, the lord shal haue the warde, that is to saye, the custodyn keppynge of the landes so holden of hym to his owne vse, and profyte, vntil the heire commeth to the full age of. xxi. yeres. Forþe lawe han presumed that tyll he come to thys age, he is not able to do such scrupce, as is of this tenure required. Furthermore þf such heires be vnymaried at the tyme of the death of the tenaunt, then the lord shal haue also the warde and the bestowynge of the mariage of him.

Mariage

The full age of a woman.

¶ But þf tenaunt by knyghtes scrupce dyeth his heire female beyng of the age of. xliii. yeres aboue, then the lord shal haue the warde neyther of the lande ne yet of the body of such an heire, and the reason hercof is þcaus a woman of that age may haue a husbande al

þt

and relieve.

Fol. xxv.

to do knyghtes seruycē that is to say, to wayt  
vpon the kynges maiesties persone when he as  
uaunceth into Scotland with his armē royal.  
¶ But ys such an heyye female be wythin age  
of. xiii. yeres & nat marayed a the tyme of the  
death of her auncestor, the the lordē shal haue  
the warde of the lande holden of hym till such  
heyye female comineth to the age of. xvi. yeres,  
by force of an acte of parliament in the statute  
of Westmynster the fyfth Cap. xii.

¶ Note that there is a greate diversitie in the  
lawe bytwene the ages of females & of males,  
for the female hathe these many ages appoynt-  
ed by the lawe. Fyfth, at. viii. yeres of age the  
lordē her father maye distrayne his tenantes  
for ayde to marye her. Seconde at. ix. yeres of  
age, she is dowable. Thridlye, at. xi. yeres she  
is able to assent to matrimonye, Fourthlye,  
at. xiii. yeres she is able to haue her lande, and  
Malbe out of warde ys she be vñ this age at the  
death of her auncestor.

¶ Fyfthly, at. xvi. yeres she shalbe out of war-  
de, thoughē at the death of her auncestor she  
was wythin age of. xiii. yeres.

Wyxly, at. xxi. yeres she is able to make aliena-  
tions of her landes or tenementes. Where as þ The age  
man hath but two ages, the one at. xiii. yeres of a man.  
to haue hys landes holden in socage, and to as-  
sent to matrimonye, the other at. xxi. to make a-  
lienations.

¶ Ye shall vnderstande that by the statute of  
Westmynster, the fyfth chapiter, it is enacted that  
ys in case the lordē do mary theyr warde to vyl-  
laynes or others, where is dispargement, þ  
such heyyes so marayed be vñ the age of. xiii.

Diversi-  
te of age.

Age of a  
woman.

C. iii.      yeres

**O**f warde mariage.

peeres or of such age that the layd warde en nat consent to the mariage, the yf the frenyd of thys heyze complayne and sele therri felon greued wylh thys vnmete mariage, the nerre hynne to the heyre, vnto whome the heritay can nat descende, may entre into the lades, an put out the lordes whiche is gardayne in chivalry, and yf the nerre kyngesman wyl nat thusd another kyngesman of the infante may do shal take the issue & profytes to the behoufe dse of the heyre, & shal yelde accōptes therof to hym when he commeth to hys full age.

Accōpt  
gyuyngē.

Dyuers  
disparage-  
mentes.

**A**lso there bedyuers other dyspergemenys whiche be nat expressed in the layd statute, i yf the heyre beyng wþin age of consent, in warde, be marayed to a decrepitive persone crepyll, as to one that hath but one fot or one hande, or that is a deform creature, or hath any horrible disease or continual infirmitie. All these and such like be dispargementes. But here also ye shall understande, that it shal be layd no dispargement, onles the heyre be marayed when he is wþin the age of discretion, that is to saye: wþin the age of .xliii. yeres. For yf he be of that age or aboue and senteth to such mariage, it is no dispargement neyther shal the Lordes fox such mariage in hys warde, by cause it shalbe reputed and signed to the foly of the heyre beyng of agy discretion, to consent to such mariage.

**N**owe yf the lordes, then beyng gardayn offre to the heyre beyng in hys warde a connyent mariage wþout dyspargement, and heyre refuseth it, as he may at his chosse and election very well do, then þ lordes shal haue

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value of the maryage of such heyye whan he cometh to his full age. But yet yf he mary hym Value of seke beinge so in warde against the wyl of his mariage, gardeyne, than he shal pay the double value by force of þ statute of Mervyn betwix remembred.

**C**And ye shall note, that yf landes holden by knyghtes seruyce descende to an infant or chyld Double value of within age frō his mother or from any of hys mariage, auncestours, his father beyng yet alyne, i this case the lord shal nat have the maryage of his One shall heyye, for durynge the lyfe of the father, þ sōne nat be halbe in warde to no man, warde ly

**C**Finally, it is to be knowne, that he which is tyng hys gardeyne in cheualeri right, may after he hath father, sealed the warde, graunt the same eyther by dede or without dede to another man and than he to whom such graunt is made is called gardeyne in fayte.

**C**No we as touchyng relief, ye shall knowe Relief, that if a man holdeth his lade by knyghtes seruyce & dyeth his heire beyng of full age( þ full age of the male is. xxi. yeres of the female, xxiiii) then the lord of whom the lande is holden shal haue of the heyye relief.

**C**Note ye þ al Erles barons or any other the kynges tenautes holdyng of hym in chiefe by knyghtes seruice dye and at þ tyme of his death his heyye be of full age that is to say. xxi. yeres he ought to pay the olde relieve for hys inheritance, þ is the heyye or heyyes of an Erle for an hole Erledome one hundredth pounde. The heire or heires of a Barone for an hole barony one hundred markes. The heyye or heyyes of a Knyght one hundredth myllinges and he þ hath lesse, shal gyue lesse accordyng to the olde cu-

Seruyce of castell' garde.

Some of fees, lyke lawe is obserued of al oþre ~~lone~~  
that holdeth of any other ther lordes immeþ gran-  
ate ut supra.

Also a man may holde landes of a lord ~~is by~~  
two knyghtes fees, & thā þ heyses beyng of ~~worl~~  
age at the deth of his auncestours, shal paye ~~any~~  
his lordes for relyeþ x. poundes.

Seruyce of castle' garde.

**Y**E shall vnderstande þ a man may holde ~~spey~~  
by knyghtes seruyce and yet not holde ~~full a~~  
by escuage, nor shall pay an escuage, ~~grau~~  
he may holde by castell garder, that is to say ~~full a~~  
by seruyce to kepe a towne of hys lordes castelleþ  
or some other place, vpon a reasonable wa-  
nginge, whan hys lordes hereth that ennemys ~~we o~~  
wyl come or be all redy come into England. deth

**G**rounde in **C**his seruyce is also knyghtes seruyce, an **C**ff  
the lawes, draweth to it warde mariage and reliefe, a warde  
in all cases the comon knyghtes seruyce doþ knyng

Of grande sergeantie.

**G**here is also another kynde ~~ether~~ of  
knyghtes seruyce, whyche is calld ~~entre~~  
grande sergeantye, that kynd  
where a man holdeth his land **G**  
or tenementes of the kynge ~~lays~~  
suche seruice as he oweþ in þo to sa-  
per þson to do, as to beare the baner of our se- ~~serge~~  
ueraygne Lorde þ Kynge or his spere, or to con- ~~to~~  
ducie his hoste, or to be hys marshall or to be **G**  
the sewar, caruer, or butlar at the feasted ~~Note~~  
the coronatyon, or to be one of the chamþas  
berlaynes of the receypt of hys eschequer, ~~it is r~~  
to do lyke seruyces to the kynge in proper þs kni-

One, such maner of seruyce I say, is called  
 grande sergeantie, that is to saye a great or  
 hygh seruyce, and the cause why it is called, byghe ser-  
 geantie is because it is the moste honozable and moste uyce.  
 worthy seruyce that is, for he that holdeth by  
 escuage is nat appornted by hys tenure to do  
 any other more specyall seruyce than another  
 is bounde þ holdeþ by escuage, but he that hol-  
 deth by grande sergeantie, is bounde to do some  
 holdeþ specyall seruyce to the kyng.

**A**lso yf he that holdeth of the kyng by  
 graunde sergeanty dyeth, his heyye beyng of **Belief of**  
**C**ap full age, than the heyye shal pay to the kyng for the tenant  
 cattrelle, nat onely. **L**s. as he that holdeth by es-  
 cuage shal do, but moreouer the clere perely þ sergeantie  
 my lye of those lades & tenemeres which he so hol-  
 deth of the kyng by graunde sergeanty.

**F**urthermore ye shall obserue that in the  
 marches of Scotlande some men holde of the  
 kyng by coinage þ is to saye, by blowyng of **Tenure**  
 an horne to shintent to warne the men of the **by cop-**  
**C**hrey when they heare that the Scottes or os  
 cal entered into Englannde whiche seruice is also a  
 kynde of grande sergeanty.

**G**rande sergeantie therfore is as muche to **Difinitio**  
 saye in Latyne, as magnum seruitum, that is of ser-  
 vice to say, a greate or hygh seruyce, lyke as petite  
 sergeantie is called **Parvum seruitum**, that  
 is to saye: a lytle or small seruyce.

**B**ut to reuer agayne to the mitter ye shal  
 note yf any tenant holdeth of any other lord  
 þ kyng by such seruice of coinage, the  
 it is no graunde sergeantie but yet neuertheles it  
 þ knyghd seruice, þ draweth to li warden mas-  
 son.

Petite sergeantie.

Rule in tyage and relieve for this is a rule infallible  
the lawe.: none can holde by grande sergeantye but of  
kynges owne maestye.

**C**Finally ye shal vnderstante, þ al they wh  
holde of the kyng by this seruyce called grā  
sergeantie do holde of the kyng by knyght  
seruyce, and by vertue of this tenure the ky  
shall haue of the warde maryage & relief,  
escuage yet he shall nat haue of the onles n  
holde by escuage of him by expresse and sp̄n  
wordes.

Petite sergeantie.

Petite  
sergeante  
is locage  
in effecte.

**T**enant by petite sergeantie is he þ  
deth hys lande immediatly of oure sa  
raygne lord the kyng by this man  
seruyce, to paye to the kyng perely exþ  
Bowe a Spere, a Dagger, a payre of Gau  
lettes, a payre of Spores of Golde, a Shai  
or suche other small thynges appertayning  
the warre and thys seruyce is in ent  
but locage, bycause that suche a tenant is  
bounde by hys tenure to go ne do any thi  
in hys owne pper persone touchyng þ wi  
but onelye to rendre and paye perely certe  
thynges to the kyng, as a man ought to þ  
a ret. Wherfore this seruyce of petite ser  
geantie is no knyghtes seruyce, but yet ye shall n  
that a man can not holde neyther by peti  
geantie, neyther by graunde sergeantie, but  
the kyng oneyl.

Homage auncestrell

**T**enant by homage auncestrel is he þ  
holdeth his lande of his lord by hom  
and both he and his auncestours whose þ

he is haue holden the same lande of the sayde  
 Lorde & of hys auncestours tyme out of mynde  
 by homage and haue done vnto them homage  
 and this is called homage auncestrell, by rea-  
 son of the longe continuall whiche hath ben  
 by tytle of prescriptiōn as well concernyng  
 the tenauncie in the bloude of the tenaunt, as  
 concernyng the lordeshyppe in the Lorde. And  
 this seruyce of homage auncestrel draweth vnto  
 it warrantye (that is to saye) of the Lorde  
 whyche is nowe in lyfe hath ones received the  
 homage of hys tenaunt, he ought to warrant  
 the same tenaunt, what tyme so euer he shalbe impleaded  
 or sued for suche lande so holden of cestrell.  
 hym by homage auncestrell.

**Warrant**  
 Whyche is nowe in lyfe hath ones received the  
 homage of hys tenaunt, he ought to warrant  
 the same tenaunt, what tyme so euer he shalbe impleaded  
 or sued for suche lande so holden of cestrell.

**Acquittal.**  
 Moreover suche seruice of homage aunces-  
 trell draweth to it acquital, that is to saye, the  
 lorde ought to acquyte the tenaunt against all  
 other lordes that can demaunde any maner of  
 seruyce of the tenaunce.

**Mouchee.**  
 Wherfore yf in thys case the tenaunt which  
 holdeth by homage auncestrell be impleaded of  
 hys landes, and voucheth or calleth hys Lorde  
 to warranty, who commeth in by processe and  
 demaundeth of the tenaunt what he hathe to  
 bynde hym to the warrantie, and the tenaunt  
 sheweth howe he and hys auncestours, whose  
 heire he is, haue holden his landes of him & of  
 his auncestours tyme out of mynde. surely the  
 lorde yf he can nat deny this, and yf he hath re-  
 ceyued the homage of suche a tenaunt, is bounde  
 by the lawe to warrant him his lande, so þ yf  
 the tenaunt lose his landes in defaure of þ lord  
 thus voucherd, that is to saye, called to warra-  
 nte, he shall recover agaynst hym, so muche in  
 value

### ¶ Of lyuerpes.

Dysclay  
me.

value of those landes and tenementes wher  
the lord had at the tyme of callinge to his  
tyme or at any tymes after. But yf the lord ha  
receyued þ homage of his tenaunt, then he mi  
very well when he is thus boughed disclay  
in the lordeshyp or seignorie, & so put out th  
naunt of hys warrantye. Wher ye shal ha  
that in every case where the lord disclaym  
his seignorie in court of record, hys seign  
or lordeshyp is extincte, & the tenaunt shal ha  
fro thensforth of the nexte lord to hym  
thus disclaymed.

¶ Thus ye percepue that homage auncell  
is nat but where as is a longe contynuaunce  
wel in the blode of the tenant in respect of  
tenancy, as in the blode of þ lord in respect  
of his seignorie. Wherfore yf the tenaunt do  
ones alvynge his landes to another, althouȝ  
purchase the same agayne, yet he shal nat ha  
any longer by homage auncell because  
þys discontinuaunce, but shal hold it now  
the volgate and accustomed homage.

### ¶ Of lyuerpes.

Tenat in  
chiefe of  
the kyng.

Primer  
Sealin.

**W**hen one dyeth whiche helde of þ  
by knyghte service in capite, that is to  
say in chiefe, his heires beryng wyt  
age, the kyng (as is before declared) shal ha  
the warde and custodye as wel of the lades  
of the body that is to wryt the mariage of hi  
vnmaried. But yf the heire be of full age at  
tyme of þ death of such auncellour, yet shal he  
kyng by hys prerogatiue roiall haue þyn  
sealon of all the landes tenementes and oþ  
herd.

Hereditamentes wherof such his tenuant was sealed in hys demene as of fee. And yf such an heire woll ente into his landes when he commeth to his full age before he sue his lyuery & receyue seysyn by the kyng, no free holde shall accrewe nor growe vnto him but he shalbe deuided an intruder in the kynges possession. Yea Intruder and yf he dye so seised in the meane tyme, hys wyfe shal haue no dowre of suche lades, wherefore it behueth in any wyse þ such heire a swel lesson. male as female compyng to full age before he or she ente into theyl lande to sue lyuery. The maner and forme wherof according to the acte of parliament lately promulgated and set forth Intende brefely to receyve.

**C**howe heires ought to sue theyl lyueryes,  
inacted. xxxiii. Henrici. viii.

Cap. xxii.



O person or persones hauynge landes or tenementes aboue the verely value of. v. li. shall haue any lyuery before inquisition or offyce fonde before the schetour or other comissioner by vertue of kynges wyrte of diem clausit extremū or commission directed out of þ chauncerye or others courtes hauyng authorytie to make such writte or commissions, which shal not passe oute of the same but by warrant or byl assygned & subscryved by þ master of þ wardes or liueries, þ surueyour, atturney & receyvour of þ layde courre op. iii. ii. or one of them to be directed and deliuered to the Chauceler of Englannde, or to any other

Wyrte of  
diem claus  
sit extre  
mum.

### Of lyuerpes.

Other chaunceler or offyce hauyng power to award such wryttes. And for the wryttinge of the same shalbe payde the aymed fees. But if the lades excede not the perly value of. v. li. the they shal pay for hi ther of every such wryt or commysyon. vi. d. + fe halfe wrytynge lyre pens, and not aboue.

And the inquisitions and offyces here obteyn founde shalbe returned by the sayde accountours or commissioners in to the same from whence the wrytte or commission was warded, whiche done, the clerkes of the halbagge shal receyue the same offycers and transcripte therof to the sayd Mayster Wardenes + lyuerpes. And the the sayde mayster and the surueyour attorney and general to counseil, or. iii. of them wherof the mayster or surueyour to be one, shall couenant and with such persones for theyr lyuerpe of magistrelles, manours, lordshypps, landes tenementes and hereditairacnes copyuled or not in such offices, and shall make and set thare price for the same, and appoynt the day of payment therof by obligation to be made to the same to the kyng.

And every byll for any spesyal or greate lyuerpe assygned by thandes of the sayd master, surueyour, attorney, receyvour or wright, wherof þ mayster or surueyour to þ halbe warrat sufficient to the lord Chanceler or other officer hauyng power to pay wryttes vnder any of the kynges seales directly. In whiche case the clerkes of the halbagge, or others clerkes by whom the lyuerpes be wryttien shal receyue as wel for the same as for

Of lyberties. Fo. xi

own for others such fees as hathe bene accustomed.

Item every person may sue at his pleasure General  
a general liverye for any manours, landes, re: liverye.  
the sementes, rentes, reverstions, remainders, or o-  
ther hereditamentes wherof the clere vertey-  
+ fo value shall nat excede. xx. li. Provouded that an  
offyce be therof founde and a warrant syste-  
hen obtained of the sayd mayster and others as is  
de aforesayde.

And where such general liverye is sued, yf  
in the landes excede the vertey value of. vii. they  
shall pay for the Deale xx.s. iiiii.d. and al other  
fees accustomed as afterward shalbe declared  
But yf they excede nat the vertey value of. v. li.  
they shal pay but these fees folowynge, that is  
to say, for the seale of the liverye. xii. d. To the  
clerkes of the petye bagge for the wypynge +  
the inrollynge. x. d. For the respente of the ho-  
mage in the hanapar eyght pens. To the lord  
new crete Chamberlayne twenty pens. To the  
maysters of the Rollis. x. d. And to the clerke  
of the liveryes for the warrant and inrollynge  
the of the liverye. x. d.

Item no person, or persones shall paye in  
theschequer or any other courtes for y respecte ~~of homa-~~ ~~of homa-~~  
of homage for any lades or hereditamentes nat ~~of homa-~~  
excedyng the vertey value of. v. pounde, aboue ~~ge.~~  
eyght pens. And for the entrynge therof and  
warrant of attorney aboue. iiiii. d.

And the value of suche landes and here-  
ditamentes nat excedyng the vertey value of.  
xx. li. Shall be taken as it is lymytted in the of-  
fices founden therof except by theraminaciō  
and certificat of the sayd mayster surueyore,  
attorney, + receyvoure, of thie of the, as it shall  
otherwyse

Of lyueryes.

Otherwyse appere and be declared in any of  
kynges courtes.

**P**ayne of **C**also no Escheatour shall syte onely  
forfetur. vertue of hys offyce for inquirye of the  
tyme or value of any landes or other heredi-  
mentes holden of the kyng beyng of þer  
value of. v. li. or aboue without the hym  
wyttie to him directed vpon payne to forth  
v. li. for every tyme he shall so do. Neithir  
he take for the fyndyng of any offyce of þer  
nat excedyng þer verely value of. v. li. about  
þ. that is to saye. vi. s. viii. d. for his owne  
And iii. s. iii. d. for wrytyng of the offyce.

**C**and for the charges of the lury. iii. s. d.  
for the offycers that shall receyue the offyce  
any court of recordis. ii. s. vpon payne that  
eschetour wyng otherwyse shal for every  
forfayte. v. li. And vpō lyke payne the offyce  
of every court of record where suche in-  
tions shalbe retourned, beyng offred vnn  
Within one moneth nexte after þer fyndyng  
of, shal receyue the. The one moyte of al  
forfaytures to the kyng, and tho ther to  
eye that wyl sue for the same. &c.

**C**and they which hereafter shalbe in tal  
sue lyuery whols landes and tenementis  
cede nat the verely value of. v. li. may law  
sue for þe generall lyuery by warrant  
frō the sayd courtes as is aforesayd, altho  
none other inquisition be therof had made,  
payenge nevertheles the fees before men-  
þed.

**C**fynally ecury person shal sue forth his  
tent for his lyuery within thre monethes  
after the assaignement of his byll, or els by  
assig

assignes to be voyde and of none effecte.

**C**harracter ensueth the fees accusto-  
med of the general lyuertes.

**C**lystte to the clerkes of the petry bagge for  
the respecte of homage and fealte the wrytyng  
and introlynge xlvi.s. ii.d. To the lordre greate  
Chamberlayne xl. s. To the mayster of the  
rolles .iii. li. To the clerkes of the lyuertes for  
wrytyng of the Indetutes & obligaciōs .xx.s.  
besyde counsell.

**C**he fees of the specyall lyuerte accusto-  
med to be payde be these folowynge that is to  
say for the Sygnet .iii. li. x.s. for the p̄me seale  
xx. s. for the greate seale .xlii. g. viii. d. To the  
clerkes of the petry bagge .xi. s. To þ mayster  
of the lyuertes clerke .xi. s. for the enrolment of  
the knowledge of thenditure .xi. s. To þ lordre  
great chāberlayne of Englāde .xi. s. for þ wryt  
of allowaūce for the same lyuerte .x. s. vi. d.

**C**And note ye that somertyme in speciall cas-  
ses the fees be more and somertyme lesse as the  
case and matter doth reuyze.

**C**hythereto haue we b̄fely touched all kyndes  
of knyghtes seruyce, and thynges incident  
to the same. Nowe w̄yl we with lyke b̄fenes  
declare þ other kyndes of seruices which cōmon  
þy be cōfled vnder the generall name of Socage  
for every lande or tenementes eyther it is holde  
þy knyghtes seruyce, or elles it is of socage te-  
nure or at the leest way of the nature of socage  
tenure, whiche in effecte is all one.

Wherfore clystte we shal defyne what Socage  
is in the proper signification, whiche done, we  
shall peruse þ other kyndes of seruyce whiche  
be of the nature of Socage tenure.

### Of socage.

What so-  
cage in te-  
nure is:



Socage is properly where the  
naunt is bounde to come by  
hys soke, þis wþth hys plow  
to care and sowe parcell of i  
demene landes of hys Lord  
whyþe seruice in auncientyn  
was very common, but nowe by the mutu  
consent bothe of the Lord and of the tena  
it is converted for the moste part into a ten  
ture. Howe be it the name of socage abyd  
stylle. Wherfore nowe all that is nat knyght  
seruice is called by the name of socage.

¶ So that yf a man holdeth by fealtye or  
lye or by fealtye and homage for all manner  
seruice, it is but socage tenure for homag  
lone maketh nat knyghtes seruice, yea yf a  
holdeth by escuage certayne, as I haue sa  
heretofore, he holdeth in effecte but by sou  
¶ Nowe where a man holdeth hys lande  
socage & dyeth, his heyre beinge within thi  
of .xiiii. yeres, the lord shal nat haue the  
but the next of kynne to the heyre to whom  
heritage can nat dyscende shall haue the  
and wardeshyppe as well of the lande as  
heyre, tyll the heyre come to the age of .xiii.  
res, and suche tutor or gardayne is called  
den in socage, and shal redie accomptes to  
heyre of the issue and profytes that he ha  
receyued of the landes duryngs suche tym  
ductynge hys resonable costes and expens  
so that he shal nat haue the wardeshyp to  
owne vse and profyte as the Lord whiche  
gardeyne in chualry hath. And in case the  
den in Socage dyeth before he hath mad  
accompte the heyre is without remedy by

Garden  
in socage.

**Franche almoynē.** fol. xlvi.

no wyp of accoupt lyeth agaiste the executors  
but for the kyng onely.

**C**lynnally ye shall vnderstande that whan te-  
naunte in socage dyeth, the Lorde of whō the  
lande is holde shall haue reliefe, that is to saye  
the value of the rent that is perly due vnto him  
of the tenancy, belyde the perly rent, so that in  
effete after the death of hys tenaunte he shall  
haue of the herze. i.e. rentes sauē that for the re-  
lief, he maye distreyne for the wth, but for the  
accustomed rent he can nat distrayne tyll the v-  
suall day of payment be come.

Distres.

**Franche almoynē.**

**E**naut in frācke almosne  
that is to say, in fre almōis-  
se is where a Wyshope,  
Deane, or any other ecclē-  
siastical persoñ holdeth of  
his lōde in pure & perpe-  
tuall almes & such tenure  
began syrste in olde tyme,  
after thys maner. Whan

The firsſ  
fondaciō  
of franck  
almoynē,

a man was sealed in auncēt tyme of certaine  
lādes or tenemētes in his demene as of fee and  
of h̄ same tenemētes enfeoffed an Abbot, & hys  
couent or a P̄xor and hys couent, or any o-  
ther persone ecclesiastical, as a Deane of a Lo-  
lege, Māster of an hospitall, or suche lyke to  
haue and to holde the same landes to them and  
to theyz successors for euer in pure & ppterual  
almesse, or in francke almes, in these twocases  
h̄ tenemētes shuld be holde in frācke almoynē.

**C**lynyce of which tenure they that holde in  
francke almoynē after this sorte be boūde p-

ryght

## Of locage.

What so-  
cage in re-  
nute is:



Locage is properly where the  
naunt is bounde to come w  
hys loke, þis wþt hys pl  
to eare and sowe parcell of  
demene landes of hys Lord  
wþþc he service in auncient  
was very common, but nowe by the mutu  
consent bothe of the Lord and of the tenan  
it is converted for the moste part into a m  
rente. Howe be it the name of locage abyd  
styl. Wherfore nowe all that is nat knyght  
seruycce is called by the name of locage.

**T**ho that ys a man holdeth by fealtye o  
lye or by fealtye and homage for all man  
seruycce, it is but locage tenure for homag  
lone maketh nat knyghtes seruycce, ye ayl  
holdeth by escuage certayne, as I haue sh  
heretofore, he holdeth in effecte but by sou  
**T**hou where a man holdeth hys lande  
locage & dyeth, his heire beinge within thi  
of .xliii. yeres, the lord shal nat haue the  
but the next of kynne to the heire to whom  
heritage can nat dysconde shall haue the  
and wardeshyppe as well of the lande as  
heire, tyll the heire come to the age of .xliii.  
res, and suche tutor or gardeyne is called  
den in locage, and shal redie accomptes to  
heire of the issue and profytes that he ha  
receyued of the landes duryngc suche tym  
ductyngc hys resonable costes and expens  
so that he shal nat haue the wardeshyppe to  
owne vse and profyte as the Lord whiche  
gardeyne in chualry hath. And in case the  
den in Locage dyeth before he hath mad  
accompnte the heire is without remedy hym  
**T**

Garden  
in locage.

**Franche almoynē.**

Fol. xlvi.

no wryt of accoupt lyeth agaist the executors  
but for the kyng only.

**C**lynnally ye shall understande that whan se: Rente,  
tenante in socage dyeth, the Lordē of whō the  
lande is holde shall haue reliefe, that is to saye  
the value of the rent that is perly due vnto him  
of the tenancy, belyde the perly rent, so that in  
effecte after the death of hys tenante he shall  
haue of the heire, si. rentes saue that for the re:  
liefe, he maye distreyne for the wth, but for the  
accustomed rent he can nat distrayne tyll the v:  
suall day of payment be come.

Distray.

**Franche almoynē.**

**E**naut in frācke almōyne  
that is to say, in fre almōyne  
se is where a Wyshope,  
Deane, or any other ecclē  
siastical persoū holdeth of  
his lordē in pure & perpe  
tuall almes & such tenure  
began syrte in olde tyme,  
after thys maner. Whan

a man was sealed in auncēt tyme of certaine  
lades or tenemētes in his demene as of fee and  
of þ same tenemētes enfeoffed an Abbot, & hys  
couent or a Pþpoz and hys couent, or any o:  
ther persone ecclesiastical, as a Deane of a Lo  
lege, Mayster of an hospitall, or suche lyke to  
haue and to holde the same landes to them and  
to thyr successours for ever in pure & pperual  
almesse, or in frācke almes, in these twocases  
þ tenemētes shuld be holdē in frācke almoynē.

**T**By force of which tenure they that holde in  
frācke almoynē after this sorte be boūde of

The firsē  
fondaciō  
of frāck  
almoynē.

F. ii. ryght

### Frank almoynē

ryght before god to make oissons & pray  
celebrate masses & to do other diuine ser  
for þ soules of theyȝ graunters and fech  
for the soules of theyȝ heyses whyche be du  
for the prosperous estate of theyȝ heyses  
now alyne. And bycause of right they be di  
to thys dyng seruyce, they be dyscharge  
the lawe to do any other prophane or corp  
seruyce, as fealte or luche other lyke.

Tenant in  
franke al  
moyne  
shal do no  
fealte.

**B**ut nevertheless yf such as holde the  
nementes in franke almoynē do ompt i  
vndone these dyng seruyces wherunto  
be bounde before god, the lordē can nat dist  
them, ne yet compel them by any other mu  
by the course of the common law, but the  
ly remedy is to complayne of them to the  
dinary, who of ryght ought to compel suc  
ecclasticall personnes to do the deuine ser  
due as aforesayde.

Tenant  
by diuine  
seruyce.

**B**ut here ye shall note that yf a perso  
a churche or any other ecclasticall pers  
holdeth of his lordē by certayne dyng ser  
ce to be done, as to syng masse every syp  
in the weke. O; placebo and dirige, or to  
a preest to syng masse or to distribute in  
pens to a hundreth men at such a day  
these cascs yf luche diuine seruice be vnd  
the lordē may very well dysrayne, bycause  
seruice is put here in certayne.

Distresse  
for diuine  
seruicē.

**N**owe I sayde, that yf in olde tymē a  
dyd infelße luche ecclasticall psonne after  
sort, he shulde holde hys landes in franch  
moyne, but at this daye it is otherwyse, si  
the reason of a statute called, *Quia empti  
terrātū. welsch. iii. cap. i.* No man can al

**¶ Of burgage.** fol. viii.

we graunt landes or tenementes in fee symples  
to holde of him selfe, so that nowe yf a man be  
yng sealed of landes in fee symples graunteh  
the same by lycence to an ecclesiastical person  
in francke almoynre these wordes francke al-  
moynre be boyde, and the ecclesiastical person  
shall holde them immediatly of the lord of the  
feoffe by the same seruices þ the feoffer helde,  
so that no man can holde in francke almoynre,  
but by force of a graunt made before the sayde  
statute, onely the kynges maiestye excepted, for  
he is out of the compasse of the statute.

**C**ynally, ye shall note that where as a man holdeth in francke almoynre, his lord is bounde by the lawe to acquire him of all maner of ser-  
vice that any other lord can haue or demaunde  
out of the sayde landes. Wytt  
miane.

**C**That yf he doth not acquire him but suffre  
him to be distreyned, þt he shall haue against his  
lord a certayne wytte, called a wyp of meane  
þt shall recover agaynst him his damages & cos-  
tis of his suyte.

**¶ Of burgage.**

**A**Tenure in burgage, is where an aunciente  
boroughe is, of whiche the kyng is lord  
and the whiche haue tenementes wþt  
in the same broughe holde the same of þt kyng  
payenge a certayne verly rent, whiche tenure, in  
effecte is but socage tenure. Lykewylle, it is, Socage  
where as any other lord spiritual or temporal  
is lord of suche broughe.

**C**Here ye shall note that for the moste parte  
such aunciente boroughes and townes haue dy-  
uers customes & usages whiche other townes Lustom.  
haue

¶ Of burgage,

haue not. For some broughes haue a custome  
that the yongest sonne shall inherite before  
eldest, whiche custome is called comonly by  
Englysshe.

Dower  
by custo-  
me.

Denysle  
by custo-  
me of  
broughte.

¶ Also in some broughes by the custome  
woman shall haue for her dower al the land  
and tenementes wherof her husbāde was sei  
at any tyme duringe þ matrimony & couenant.  
¶ More ouer in some broughes a man may  
bequeath and deuyle his landes or tenementes  
by testament at the tyme of his death, and  
forç of liche deuyle or legacy, he to whom  
bequeste was made, after the death of þ  
tōur which made liche testament may by force  
of this auncient custome entre into the land  
so to him bequethed or deuised without an  
uary of seadone to hym made or further a  
monye of lawe.

¶ Nowbeit howe and in what maner al  
may at this daye deuyle his landes by his  
wyl and testament by forç of a certayne  
statute, it shalbe here after declared.

¶ Dyuers other customes in Englannde shal  
be contrary to the course of the common law  
whiche ys they be any thyng prouable & m  
lande with reason are good and effectual,  
withstandyng they be agaynst the common law.  
¶ And note that no custome is allowable  
liche custome as hath be vised by tytle of  
scriptio[n] or tyme out of mynde.

¶ Of vyllenage or bonde seruyee.  
**A**Tenant in vyllenage is properly  
a vyllayne, that is to saye, a bondman  
holdeth of his lord, whose bondmen

he is certayne landes or tenementes, according to the custome of the Manoure, or otherwyse at the wyll of his Lorde, and do to his Lorde vyllayne seruyce, as soz to beare and to carye the dunge of his Lordes out of the Cyte, or out of his lordes Manour, and it lay to upon the demane landes of his lorde, or to do such lyke seruyce and vyllayne seruice. Howe be it Howe free men in some places holde theyz tenementes somme and landes of theyz lordes by custome, by such holde in sorte of seruyce, and theyz tenure is called to-  
wure in vyllynage, and yet they them selues be and be no  
no vyllaynes ne of seruyle condition but freme vyllayns.

For þādē holdē in vyllenage maketh nat þā te-  
naunt a vyllayne, but contrary wyle a vyllayne  
may make free lande to be vyllayne lande vnto  
his lorde. Is þā a vyllayne purchaseth lande in  
fee simple or in fee tayle, the lorde of the vy-  
llayne may entre into the lande so purchased by  
his bondman and put hym & his heires out for-  
ever, & this done, the lorde of he wyl may lease  
the same lande to his vyllayne to holde of hym  
in vyllenage.

And here ye shall vnderstande, that seru-  
tute or vyllynage is the ordinaunce, nat of the  
lawe of nature but of that law, which is called  
Ius gentium, by which a man is made subiecte  
contrary to nature, vnto another mans domi-  
nion. For he that is a vyllayne or bondeman,  
eyther he issō by tytle of prescrpcion, that is  
to say, he and his auncestours haue bene vy-  
llaynes tyme out of mynde, or els he is a vy-  
llayne by his owne confession in courte of re-  
corde, so þā all vyllaynes eyther they be boþn  
vyllaynes, or elles they be made so. They be

**O**f byllenage.

borne byllaynes when theyz father beyng  
bonde man him selfe begeteth them in law  
wedlocke, eyther of a free woman or of a  
woman so that the father be bond, the  
sue of hym lawfully begotten muste nedes  
bounde by the lawes of Englannde, hauing  
regarde to the condicione of the mother, wh  
as in the cyuill law of the Romanes it is do  
contrarye. For there, partus sequitur ventu  
that is to saye: the seruitute or bondage of  
mother maketh the chylde bounde and nat  
bondage of the farther. Howe be it the busi  
sonne of a bondeman shall nat be bounde if  
reason is bycause a bastarde is. Nullius sit  
in the lawe, that is to saye no mans sonne.  
**C**They be made bondemen or byllaynes  
wayes, eyther by theyz owne proper actu,  
when a free pson beyng of full age wyl a  
into a courte of recorde, and thare confesse  
selfe bounde to another man.

**C**oels by the lawes of armes called, genitium: as when a man is taken prisoun  
warres, and is compelled to scrue and bec  
the thrall and bondman of hym that toke hym  
the lawe calleth such person a byllayne  
is to saye a slave and thrall.

**D**iffinicie  
on of vyl  
layne.  
**C**And ye shall note that byllaynes be prop  
ly called in Latyn serui, bycause that when  
be take in warre, the captaines be wont na  
kyll them, but to sell them, and so to saven  
lyues, so that they be called serui a seruants  
to say of sauynge. They be also called  
cipia, a manu capiendo, bycause that they  
ken by hande and power of theypnemys.

**C**Nowe as I sayde by the lawe of nat

we are all borne free, but after that by the law  
of Gentilitie, seruitute or bondage vyd preesse  
and inuade the woldē, that ensued the bene-  
fite of manumission. Manumission is quasi  
de manudactio, that is to saye a gyryng out of  
the hande or power. For so longe as a man  
is in bondage and seruitute, he is subiecte to þ  
hande and power of another and whan he is  
manumissted he is made free and deliuereſ frō  
the sayde power, so that a manumission is no-  
thyng elles than an enfranchyſement that is  
to saye, a wrytynge testifyenge that the Lorde  
hath enfranchysed his vyllayne and all his of  
spryngē and ſequell.

**C**Also yf the lorde maketh to hys bondeman  
an oblygacion of a certayne ſume of money or  
graunteſh to him by his dede an annuitie or  
perely penſyon, or leaſeth to him by dede lades  
or tenementes for terme of yeres, any of theſe  
actes do imply an enfranchyſement.

**C**Lykewyle yf the Lorde makethe a ſeof-  
tement to his vyllayne, and maketh vnto him  
Iuery of ſeſſin, this also is an enfranchyſement  
and ſecret manumission. Byrekely to ſpeake,  
wherē ſocuet the Lorde cōpelleteth his vyllarne  
by the courſe of the lawe to do that thyng that  
he myght otherwyſe enforce hym to do or to  
ſuffre wythout the auctoritay and compulſyon  
of the lawe, he doth by implicatiō enfranchise  
his vyllayne, as yf the Lorde wyl byng a  
gavynſte his vyllayne an acyon of det, an acciſ  
of account, of covenant or of trespass, theſe ſ  
ſuche lyke be in the eye of the lawe enfranchise  
mentes & manumissions, bycauſe þ the Lorde  
in all theſe caſes may haue the effecte and pur-

Manu-  
miſſion.

Lawe of  
enfran-  
chyſement

¶ Of byllenge.

pose of his suite (that is to saye) the goddes-  
tels, and correction of his bondmen without  
compulsion of that law even by his owne pri-  
power and auctorite which he hath vpon  
wyllayne. But yf the Lorde dothe sue his  
layne by an appeale of felonye, the wyllayne  
ynglyewfully endyted of the same before  
is no tacyte manumission or infranchisement  
for the Lorde though he haue power to bu-  
hys wyllayne and to spoyle him of hys good  
yet he can nat by þ law of this realme pun-  
to death.

¶ Ye shall also vnderstande, that yf a mi-  
bondman purchased landes or acquypte and  
vnto him any other thyng the Lorde may se-  
with entre, and ceale the same into hys own  
handes. Wherfore yf the lorde wyl bynny-  
gynste hys wyllayne a Precepte or reddat  
whych he demauideth agaynst his wyllayne  
landes or tenementes, this implyeth an infa-  
chisement, forasmuch as he byndeth him self  
to the prescript and auctorite of the law whi-  
as he myght vse hys owne auctorite, by  
trynge and sealyng the layde landes.

¶ Disission.

Wyllayne  
in grosse.

Wyllayne  
regardat.

¶ Fynally ye shall marke that some wyllaynes  
be called wyllaynes in grosse, and other si-  
be called wyllaynes regardant. In gross  
they of which the lorde is seneall sealed, i  
not by reason of any lordeshyp or maner,  
they be called regardant whiche doth belong  
a manoure, or whiche the Lorde is sealed, i  
the lorde wyllaynes haue bene regardant, i  
is to saye, expectant and attendant tyme  
of mynde to the Lorde of the layde Manow-  
doyng vnto hym such seruyces as to a

layne appertayne.

## ¶ Of auncien demene.

**T**here is also a certayne kynde of tenure  
 whiche is called auncien demene, & that  
 tenauntes whiche holde by this serupe-  
 be free holders & holde by charter & not by co-  
 py of court rolle, or by the verge after the cu-  
 stome of þ manour at the wyl of the lord. And  
 these tenauntes be such as holde of those Ma-  
 nours which were laynt Edwardes the kyng  
 or which were in the hedes of kyng Wyllyam  
 the conquerer, and these Manours be called  
 the auncien demesnes of the kyng or the auncien  
 demesnes of the crowne of Englande. And to  
 such tenauntes which holde of such manours be  
 many and divers lyberties gauen and graunted  
 by the lawe, as to be quite of rolle & passage &  
 such lyke impositions whiche be demaunded of  
 men for theyz goodes & catels solde or boughte  
 in fayres and marketes by thē, also to be quyte  
 and free of taxes and tallage graunted by par-  
 liamēt, except that the kynges maiestie do take  
 auncien demene (as to him only appertaineth)  
 whan he thynketh good for great and vrgen  
 consideracions. Tenantes also of auncien de-  
 meane ought to be quite of paimentes to ther-  
 pences & charges of the knyghtes whiche come  
 to the parliament, also they ought not to be im-  
 panelled nor put in iurles and inquestes in the  
 coutry out of theyz mansur or leignorie of auncien  
 demeane for the landes whiche they holde  
 of such manour, onles they haue other landes  
 at the common law for whiche they ought to be  
 charged. And yf such tenauntes or any of the  
 whyche

### ¶ Of auncient demene.

whyche holde of the Manour of auncient  
mens be distrayned to do vnto they lorde of  
services or customes then they or they an-  
stours haue used to do, then may they sue to  
tayne wryt called Monstrauerit directed by  
lorde, comaunderinge him that he distreineith  
not for to do other seruyces or customes þ  
they hane ben accustomed to do.

**C**and for further knowlege hereof ye be  
vnderstante that in the Eschetur there is  
boke called Domesday whiche boke was in  
in the tyme of the sayd saynt Edward. In  
all the landes whiche were in the seisin and  
the handes of þ sayd saynt Edward at þ  
of the makyng of the sayd boke be auncient  
mene. But the landes which the were in oþ  
mens handes though they be wrytten in þ boke,  
be franke fee & no auncient demene.

**C**finally it is to be noted, that tenauntu  
auncient demene shall nat be impledled foþ  
sayd landes out of the manour whereof þn  
holde, and yf they be, they may shewe the i  
thatement ter and abate the wrytte. But yf they ones  
swere to the wrytte, and iudgement gynen, þ  
the landes haue loste the nature & benefyn  
auncien demene, & are become franke fee, it  
is to say, pleadable at the cōmon lawe foþ  
more. And thus haue we spoken of þ dñe  
of tenures.

### ¶ Of rentes.

**F**orasmuche as vpon every tenure þ  
is comonly reserved one ret or other þ  
for I thynke it good somewhat to tñ  
of rentes. But ye must understande that þ

be sundry sortes of rentes. There is one kynde  
of rent whiche is called rent seruice. Another of rent  
which is called rent charge, & the thyrd whiche seruice,  
is named in french rent seche, that is to saye in  
Latyn redditus sicca, a drye rent. Nowe rent  
seruice is so called bycause it is knyt to the te-  
nure and is as it were a seruice, wherby a man  
holdeth his landes or tenementes, or at least way  
when þ rentes vnsuercably coupled and knyte  
wyth the seruice, as for an example, where the  
tenaunt holdeth his lade of the kyng or of any  
other lord, by fealte and by certayne rent or by  
homage, fealtie and certaine rent, or by any o-  
ther sortes of seruices & by certayne rent, thys  
rent is called rent seruice. And here ye shal note  
þat: þf this rent seruice be at any tyme when it  
ought to be payde, behynde and vnpayde, the  
sorte of whome the lande or tenement is so hol-  
den, whether it be in fee syngle, fee tayle for  
terme of lyfe, for yeris or at wyl, may of com-  
mon ryghte entre and distractrie for the rente,  
though there be no mencion at all, ne clause of  
dystresse put in the dede or lease. I sayd before  
that þ nature of this rent seruice is to be cou-  
pled and knyte to the tenure. For where no te-  
nure is there can be no rent seruice. And ther-  
fore, þf at thys day I be scised of landes of fee  
syngle, and make a dede of feoffement of the  
same to another in fee syngle, reseruyng by þ  
same dede a rent, this can be called no rent ser-  
vice, bycause there can be nowe no tenure be-  
twene the feoffour and the feoffee. Otherwyse  
it is of feoffementes in fee syngle, made before  
the statute of Westmester the thyrd. Cap i. cal-  
led Quia emptores terrarū. For before þ ma-  
kyng

Dystresse  
of comun  
ryght.

### Of rentes

kynges of that statute, yf a man had made a  
fement in fee simple, reseruyng to hym to  
tayne rent, yet though it had bene without  
here had ben begonne & created a newe ten  
twene the lessour and the fefee, and thei  
shulde haue holden of the lessour, who by  
tue of the same myght of common ryght han  
stretned soz such rent. But at this day by  
of the layd acte, there can be no suche holdyn  
or tenure created or begonne, and consequ  
ly no rent seruyce can be at this daye rem  
vpon any gyfte in fee simple, except it be in  
kynges case, who beyng chiefe lord of al  
myght and may gyue lades to be holden of  
Thus ye se, that at thys day, no subiecte  
serue any rent seruyce vnto hym onles the  
reversion of the landes or tenementes that he  
graunt, be styll in hym, as where he graun  
them in fee tayle, or maketh but a lease so  
me of lyfe or soz certayne peres or elles at  
For in all these cases the reversion of the  
sympyle remayneth styll in hym, and therfor  
here be any ret reserved, it is to be called  
seruyce, and is of common ryght distracti  
though there be no clause of distresse in thi  
of fement or lease.

¶ But here ye wyll aske me, whan in thi  
before remembred, a man at thys daye gy  
cleane awaie the lande or tenemente fro  
selfe in fee syngle, so that therre is no man  
reversion of the same remaynynge in him  
and yet nevertheles reserueth vnto hym to  
dede a certayne rent what maner ret shal  
be called? I answeare, yf there be in the dede  
dented any clause of distresse, that is, that

Of rentes.

Fo. xlviij.

rente be behynde vnpayde, it shal be lawful for  
the lessour to entre and to distrayne, it is called  
a rent charge, forasmuche as the lande is charg-  
ed therwith, but howevr of common ryght & no, Rente  
but onely by vertue and force of the wrytynge.

But on the other syde, ys there be no such  
clause of distresse put in the indenture, than  
the rent so reserved shalbe called a rent lecke.

Rent lecke

Lykewyls, ys a man that is sealed of cert-  
ayne landes, wyl graunt eyther by indenture  
or by his dede poll that is to say syngle & nat  
indented, a yearly rent out of the same landes to  
another whether it be in fee simple, fee tayle,  
for tyme of lyfe, for yeris or at wyl, with clause  
of distresse, than this rent is called a rett charge  
and he to whom such rent is graunted may for  
defaute of payment therof, entre and distrayne

But contrarely ys the graunt be made without  
any such clause of distresse, it is called rett lecke  
that is to say a dye rent, because he can nat  
come to it in case it be denyed, by waye of di-  
stresse in so muche that ys he were never seyld  
of it, he is by þ course of the common lawe with-  
out remedye Otherwyls it is of a rent charge

for here he to whom the graunt is made, when

the rent is behynde may chose whether he wyl

sue a wryte of annuite agaynste the grauntour

or distrayne for the rent behynde, & retayne the

distresse tyl tyme he be payed accordyngly. But

he can nat haue bothe remedyes togidher but

mustake hym to the one, forys he ones rec-  
cuer by a wryte of annuite, then is the lande dis-

charged. And ys he sue nat his wryte of an-  
nuite, but dystrayne for the arrengages, and the

anoweth

Annuite.

Replevin,

Oltrentes.

**C**roppel. knoweth the takyng of the destresse in  
of recordē: then is the lāde charged and the  
son of the grauntour discharged of the am  
of annuite.

**P**roniso.

**C**Ye shall also understande, þ yf a man  
that another shall haue a rent charge com  
out of his lande, and yet wyll nat that his  
son shall be any meanes charged by wyp  
nute, he may than haue such clause in the  
of his dede. **P**rouiso & presens scriptum,  
quicq̄ in eo contentum vlo pacto se ext  
ad onerandā personam meam per breue si  
cionem de annuitate, sed tantummodo u  
ad onerandum, ieras, fūdos et tenementū  
de annuo redditu predicto. If this or such  
cause be added, then the lande is charged  
the pson of the grauntour is discharged.  
**C**also yf a man wyll make a dede of g  
in this wylc, that þ Johs at Hyle beni  
ly payde at the feast of Chyfmas for in  
his lyfe .xx. shyllinges stelynge, þ then it  
lawfull for þ sayd Johs at Hyle to dist  
for it in the Manour of Dale, thys is a  
rent charge, because the Manour is cha  
with the rent by way of distresse, and peri  
theles in this case the person of him that  
such dede is discharged of any actio of am  
forasmuch as he graunted nat by his dede  
annuite to the sayde Johs at Hyle but  
graunted, þ he myght distraint for such þer  
**C**Further more ye shall note, that þ a  
hath a rent charge to hym and to his he  
mpinge out of certayne landes, and doth  
chase any parsell of this lande to hym a  
his heyses, in this case the hole rent tha  
qua

Quenched and gone, and the annuite also, the cause is thys, that a rente charge can nat be in such case apporcioned. Otherwyse it is of a rent seruyce, as for example of one whiche hath a rent seruyce, of xx. d. by yeare dorthe purchase parcell of the lande out of whyche thys yearly rent of xx. d. is commynge thys shal nat exyn guysh nor drawne the hole rent, but for that p-  
cell onely. For rent seruyce in suche case maye very well be apporcioned and rated accordyng to the value of the lande. Yet there be sortes of rentes seruices which in no wyse can Rente be apporcioned. As where a tenaunt holdeth seruice his lande of his lord by the seruyce to render cā not be to his lordre perely at suche a feaste, an horse, a appozcio tynge of golde, a redde rose, a gylouer, or suche vied. Ilyke, yf in thys case h̄ lordre doth purchase par-  
cell of the lande thus of hym holden, thys ser-  
uyce is gone, bycause such seruise, can nat be se-  
vered nor apporcioned. All escuage is a seruise  
that may very well be apporcioned accordyng to the afferaunce and rate of the lande.

But where any lande is holden by homage and fealtie, yf the lordre purchaseth parcell of the lande, yet he shal haue h̄s homage and fe-  
alte stylle of h̄s tenaunt.

Ye shall marke also, that yf a man maketh a lease of landes to another for terme of lyfe, reservynge to hym certayne rent yf in this case he graunteth that rente to Joh̄n at H̄ipole sa-  
wynge to hym selfe the reuersion of the sayde lande, thys rent is but rent secke, bycause Joh̄n at H̄ipole that hath the rent, hathe no thyng in reuersion of the lande.

But yf he graunteth the reuersion of the lande

¶ Of rentes.

Attorne-  
ment.

Rent is  
incident to  
a reversion

to Johs at Noke for the terme of lyfe and  
tenaunte atturneth accordynglye, then in  
Johs at Noke þ rent as rent serayce by u  
he hath: the reversion for terme of lyfe.

¶ Lykewylle it is, yf a man gyueth lande  
tenementes in tayle, reseruyng to him an  
his heyses certayne rent, or maketh a lease  
the lande for terme of lyfe, reseruyng certai-  
nrent yf he gaunteeþ the reversion to another  
and the tenant atturneth accordyngly, si-  
rent and seruycie shall passe by this word  
version, bycause the rent and seruycie in  
case be incident to the reuersyon & do pass  
the graunt of þ reversion. But yf he had  
ted þ rent onely, the reuersion had not pass

¶ What remedy a man hathe to  
retouer his rent when it  
is behynde,



¶ She wed you besop  
for a rent seruycie þ  
behyndt ye may distin-  
in þ grounde eue of th-  
ryght thoughte therel  
such clause of distinc-  
tyred in þ dede of i-  
temet, graunt or lease,  
for a ret charge þ em-  
ployne or bring your wryt of annuiteate  
chysse & electio, as before is declared. Bu-  
t þ lecke þe were never seysed of it in  
any parcell therof, ye be wout remedy by  
se of þ comon lawe, for ye can not distraint  
nor yet bring your wryt of annuiteate þ  
were ones seysed of it or of parcel therof  
ekisones behynde, þe your remedy shalbi-

Ye muste go ethir by your selfe or by your de  
nre to the lande or tenement out of whiche the  
rent is comyng and there demaunde the arras  
gages of the rent, whyche of the tenaunt denye Disseisin  
to pay, thys denial is disseisin of the rent. Also of rent  
of the tenaunt be nat then ready to paye it, thys secke.  
Counteruayleth a denall whyche is a disseisin

Moreover of neyther the tenuant nor none o  
ther man be remaynginge vpon the grounde to  
pay the rente, when ye demaunde the arreras  
gages, this also is a denall in the lawe, and is  
in very dede a disseisin. And of these disseis  
nes ye may haue an assise of nouell disseisin a  
gynst the tenuant, and shal recouer seisin of  
rent and the arreras & youre damages and  
costes of your wytte and of your plesse. And ye  
after liche recouery and execucion had, the ret  
be agayne at another tymē denyed you, then ye  
maye haue redisseisin and shal recouer youre  
double damages, &c.

It shalbe therfore wylidome for a man whiche  
rent is graunted by any personne unto hym  
to take of the tenuant of the lande a penye or  
an halfpenny in name of seisin of the rent, and  
the ys at the next day of payment the rent be de  
nyed hym, he may haue an assise of nouel disseisin  
And ye shal note, that there be thre causes  
of disseisin of rent seruice, that is to wyte res  
couse, replwyn, and incloser. Rescouse is when  
the lord vpon the lande holden of him distres  
seth for his rent behyndes, and the distresse be  
rescued from hym, or if the lord come vpon the  
lande and wyll distrayne, & the tenuant or any  
other man for hym wyll nat suffre hym, thys is  
called Rescouse.

Assise.

In redi  
seisin dou  
ble dama  
ges.Thre cau  
ses of dis  
seisin of  
rent ser  
uice.

Rescous.

### Oftrentes.

**R**epleuin. **R**epleuyn is, when the lord hath distres  
and repleuin is made of the distres by hys force  
**E**ncloser. **E**ncloser is where landes or tenementes  
be so inclosed that þe lord can nat comynge  
the landes or tenementes for to distraigne  
the chiefe cause why such thynges so manerly  
disseselin to the lordis forasmuch as the lord  
is by this way disturbed of the meane amyd  
medy wherby he ought to come and haue  
tent, that is to wete, by distres.

**F**oure  
causes of  
disseselin  
of rente  
charge.

**A**nd two  
of rente  
secke.

**O**ne oþer  
cause  
of disseselin

**A**cte of  
þyment.

**E**xecuþours.

**A**nd there be foure causes of distres  
a rent charge, that is to wete, rescous, re  
encloser, and denycr. For denycr or denial  
wel a disseselin of a rent charge as it is of re  
**C**fynally ye shall vnderstande, that  
be two causes of disseselin of a rent secke,  
denyall and encloser.

**C**fynally ye semeth that there is yet another  
se of disseselin of all the thre rentes aforesaid  
that is to wete this, when the lord comynge  
to the lande holden of him, or when he þe  
rent charge or a rent secke cometh to the lande  
to distraigne for the rent behynde, and þe lord  
hearynge this, encontreth hym, and fol  
leth hym the way with force and armes  
naseth hym in suche sorte as he dare nat  
to the grunde for to distraigne for his rent  
behynde for feare of death or mauling of  
membres: this is a disseselin bycause the lord  
is disturbed of his mene and lawfull rent  
wherby he ought to come to his rent.

**C**fynally ye shal obserue and marke, that  
an acte of parlyament made in the xxvij<sup>th</sup> yere  
our souerayne lord kyng Henry the eight  
is lawfull for the executors and admynistrators

Of rentes.

Fol. xl.

hours of tenates i fe siple, tenad i fee tayle tena  
for tyme of life, of ret seruyces, rent charge,  
cont leckes, and of fee fermes, for arrenges of  
such retes as were due vnto theyz testatours i  
lyues, eyther to distrayne for the same or  
as theyz election to bryng an accyon of det, es  
cept in such lordshypps in Wales or in the mar  
ches therof, where as the tenautes haue vled or acciōs  
gome out of mynde to paye vnto every lord at of dete.  
his fyre entrye into the lordship any summe of  
moneys for the redēption of all maner dutes  
and penalties incurred at any tyme before theyz  
landes entrye.

Also by force of the sayd acte the hysbāde  
which was seised in the right of his wyfe may  
after the death of his wyfe eyther distrayne or  
bryng an accyon of det for þ arrenges of such  
utes as were due and vnpayd in her lyfe.

Lykewyse it is of him that hath a rente for  
tyme of another mans lyfe, þf he for tyme of  
whose lyfe he hath the rent dyring, yet by vertu  
of the sayd acte he or his executors & admyny  
strators may eyther distrayne or bryng an ac  
cion of det for þ arrenges due before the deeth  
of him for tyme of whose lyfe he had the rent.

Chowe auowyses ought to be made  
of rentes and seruyce, inacted

An. xxi. Henrici viii.

Wher any landes be holden of any per  
son by rentes, customes, or seruyces,  
þf the lord dystryayne upon the same  
landes for any luche rentes, customes, and see  
vices, and replewyn therof be sued, the lord  
G. iii. Maye

¶ Of rentes.

maye auoyde or his barlyke or seruaunt  
make conysance or iustifie the takyng vñ  
Same landes, as within his fee and frige  
alleginge in the sayd auowrye conysance  
iustification the same landes to be holden  
without manirnge any person certayn  
taunt of the same, and without makynge  
auowrye, iustification, or conysance vpon  
person certayne. And lykewylle vpon a  
wyt surd of the seconde delyuerance. In  
that matte any sache auowrye, iustification  
conysance, yf the same auowry, conysance  
iustification be founde for the, or þ plaine  
nonsute or otherwyse barred, then they sh  
couer they þ hole damages and costes.

¶ Also the sayde plainiffes & defendant  
haye lyke plees and lyke ayde prayeres þ  
disclaymer onely excepte) as they myght  
had before the makynge of this acte.

Also suche persons as by the comon law  
toyn to þ plainyte or defendant in the  
wyt of Replegare or seconde delyuerai  
well wout peyne as by proces, shal fro  
also in this case toyn unto them as wout  
processe as by proces, and hause lyke  
and lyke auantages in al thinges (dis  
only excepte) as they myght haue by the  
lawe before this acte.

¶ In acte for the assurance of fermow  
made. An. xxvii. Henrici. viii.

¶ **A** leases herafter to be made of al  
des or other hereditamentes by  
indentured vnder seale for termes of  
or for termes of lyfe by any persons bes-

the age of xxii. yeres hanynge any state of inher-  
itaunce eythere in fee symply or in fee tayle in  
theyz owne ryght or in the ryght of theyz chur-  
ches or wyes, or soynlyd w theyz wyes shall  
be good and effectual agaist the lessours theyz  
wyes heires and successours accordyng to  
the estate copyuled in suche indenture of lease.

Prouyded that this acte shall neyther ex-  
cede to any leases to be made of any landes he-  
reditamentes beyng in the handes of any ser-  
vour by vertue of any olde lease onles þ same  
olde lease be expyyzed surreyzed or ended wthyn  
one yere after the makyng of the newe lease,  
nor yet to any graunt to be made of the reuer-  
sion of any landes or hereditamentes, nor to any  
lease of such landes or hereditamentes as haue  
hat commonlie bene letten to fermie by þ space  
of xx.yeres next before suche lease therof made  
nor to any lease to be made without impeache-  
ment of waste, nor to any lease to be made a-  
bove the nombre of xxi.yeres or the lyues as þ  
most frō the day of makyng therof. And that  
þpon such lease be reserved yerely durtage the  
same, due and payeable to the lessours they  
þeyres and successours to whom þ lades shuld  
haue come after the deathe of the lessours, & to  
whom the reuersion therof shall paryne acco-  
dynge to theyþ estates and interreßes, so mychye  
yerely rent or moxe, as bathe ben accustomably  
peldyng for the same, wthin xx.yeres next be-  
fore such leases, and þ he to whom the reuersion  
therof shall pertayn e after the deathe of such  
lessours or theyþ þeyres: shall haue suche lyke  
remedy and aduantage agaynst the fermours  
therof theyþ executors and assygnes, as the

Surreyn  
ter of the  
olde leste.

Offermouts.

The wife lessour him selfe shulde haue had.  
Shalbe p<sup>r</sup> promised also that þ wylfe be made  
tie to the to euery such lease as shalbe made by he  
bande of any landes beyng the inheritaunce  
the wylfe, and that euery such lease be ma  
indenture in the name of the husbande and  
wylfe, and he to seale thereto vnto. And the  
rent be reserved to the husbande & wylfe  
heires of the wylfe accordinge to her statute  
heritaunce therin. And that the husbande  
no wylfe saine discharge graunt gyue an  
same rent serued noz any parte therof also  
the duryng the couerture, without it be by  
leaved by the sayde husbande and wylfe.

Prouyded furthermoze that this ac  
tende nat to gyue lyberty or power to an  
sons to take any mo fernes leases or takynge  
any landes or other hereditamentes, then myght  
haue done before the makyng of  
acte, nor yet extende to gyue any lyberty  
persones or bycarage of any churche or bycarage  
to make any lease or graunte of any  
messuages landes, tenementes, tythes, enuer  
tes, or hereditamentes belonginge to  
churches or bycarages otherwyse then  
myght haue done before the makyng of  
Anno xxiiii. Henrici. viii.

What  
graunt by  
a corpo  
ration is  
good.

It is futhermore enacted that the graunt  
lease, gyftee or election of the gouernour or  
of any hospitall, college, deaney or other  
ration with thassent of the more partie of  
of the same as haue voyce therunto ha  
good and effectuall, any rule or statute  
by any foundout to the contrary notwithstanding  
dynge.

**C**Of falsifyenge of recoueryes by fermours  
inacted. Anno.xxi. Henrici. viii.

**A**l fermours or lesses for tyme of yerres  
may falsifye for theyz terme onely, re-  
coueryes had by fayned tytles aswell  
as a tenaunt of freholde. And the same, fer-  
mours theyz erentours and assignes shal en-  
sye theyz sayd termes accordyng to theyz lea-  
s agaynst suche recoueryes even as yf none  
such had be suffered. In whiche case neverthe-  
less the requerer, after such recovery had, shall  
haue lyke remedy agaynst þ fermours by auoy-  
nge, or action of det for rentes and seruyces re-  
quired vpon the same lessors beyng due afore  
the same recoueryes, as al like actions for wast  
done after the same recoueryes, as the lessours  
myght haue had yf no suche recoverye had be-  
had. Furthermore no statut staple, statut mar-  
gant, nor execusion by Clegit halbe auoiced  
by any suche fayned recovery, but lyke remedy  
shall be had to auoyde and falsifie the sayde re-  
coueryes, as is ordeined for þ fermour or lesse-  
re termes of yerres.

Juowrye  
or accyon  
of dette.

**C**Of tythes and howe they shalbe  
recovered, inacted. An. xxxiii.

Henrici. viii.

**A**l persons shal truely paze theyz  
tytches & offrynges accordyng to  
the lawfull customes & usages of  
parishes & places where suche  
tytches or dutyes be due. And yf  
they do wylfullye wythholde anye  
parcell of them: the partie whether he be  
G.v.      clesiastie

Of tythes.

cllesiasticall or laye that shalde have them, conuent suche persons before the ordinary or other cōpetent minstre or i of the place where such wronge shalbe done cōdynge to the ecclesiasticall lawes. And every suche cause of luyte the same ordinary sudge hauyng the partyes or theym p̄tours before him, shal procede to þ deten cyon therof ordinaryl or summaril dyng to the course of the sayd lawes, vpon shall gyue sentence accordyng. And in case any of the partyes of any cōcernyng that lute, do appeale from the sentence and diffintyng iudgements of the sudge, then the same sudge forþwith appellacyon made, shal adnge to the other, the reasonable costes of his luyte, and appelle the same partie appellat to pay þ said compulsory processe censure of the sayd luyte takinge succre of the other partie to þ such costes shalbe adinged to restore the to the appellant, yf afterwarde, the prim cause of that lute ofappeale shalbe adnge agaynst him. And so every sudge ecclesi shal judge costes to the other partie by every appeal to be made in any lute or cas subtraction or detencion of any tythes or rynges or in any other lute to be maden cyng the dutys of suche tythes or offeryngs. And yf any persons after suche sentence agaynst them shall obstinately refusen theym tythes or dutyes or such somes as so adiuged wherin they be condemned, two Justices of the peace of the same wherof one to be of the quorum, shall

Justices  
yf peace,

certificat or complaynte to them made in wryt-  
inge by the ludge that gaue the sentence, cause  
them to be attatched and committed to the next  
gaile, there to remayne without berte or man-  
prise, iwill they shal haue founde sufficient sa-  
feties to be bounde by recognysance or other  
wyse before the same justices to the kynges use  
for the perfoumance of the sayde iudgemente.

If shrowded, that no person shalbe sued or  
otherwyse compelled to pay any tythes for any  
landes tenementes or hereditamentes whiche  
by the lawes of this realme are discharged or  
not chargeable wypm paimet of any such tythes.

Also this acte shall in no wyse bynde the in-  
habitantes of Lodon and suburbis of þ same  
to pay theyr tythes and esvynges within the  
same cythes and suburbis otherwyse then they  
shulde haue done before.

Furthermore if any haunging an inheritance  
reholde terme or interest in any personage vita-  
ge poþpon pension tythes oblacions or other  
reclastall prokyte made or to be made tem-  
porall or admitted to be in temporal hedes by the  
lawes or statutes of this realme, be disseised or  
otherwyse put from the same by any other per-  
son clamyng to haue interest therin: the person  
so disseised or wrongfullly put from his sayde  
yght or possession his heires, wyfe, and other  
to whom such wronge shalbe done, maye haue  
remedy in the kynges temporal courtes, as the  
case shall require for þ recovery therof by wryt-  
tes original of þ: c q reddat, ass. of novel dis-  
sencion, Mordanc. Quod ei deforciat, wryties  
of dower, or other wryties original to be grau-  
ted in the chancery of every suche personage  
vycarage

## NOTE

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### Of tythes.

cllesiasticall or laye that shalde have them, conuent suche persons before the ordinan compstary or other cōpetent ministre of the place where such wronge shalbe done, accordyng to the ecclesiasticall lawes. And every suche cause of luyte the same ordina tude hauyng the partyes or theym pma tours before him, shal procede to þ deten eyon therof ordynarly or summarilly, dyng to the course of the sayde lawes, vpon shall gyue sentence accordyng. And in case any of the partyes of any n concernyng that lute, do appeale from th sentence and dyssenteyng iudgements of the iudge, then the same iudge forþwith appellacion made, shal adnge to the other the reasonable costes of his luyte, and appell the same partie appellat to pay þ san compulsory processe censure of the layd

**Huertere.**] takyng suete of the other partie to w  
suche costes shalbe adinged to restore the  
to the appellant, yf afterwarde, the prim  
cause of that lute of appeale shalbe adn  
agaynst him. And so every iudge ecclesi  
shall iudge costes to the other partie by  
every appeal to be made in any lute or ca  
subtraction or detencion of any tythes or  
rynge or in any other lute to be madew  
rynge the dutys of suche tythes or offeryng  
And yf any persons after suche sentences  
agaynst them shall obstinately refusen  
theyr tythes or dutyes or such somes or  
so adiuged wherin they be condemned,  
two Justices of the peace of the same  
wherof one to be of the quorum, shall

Justices  
of peace.

certificat or complaynte to them made in wyp-  
tonge by the ludge that gaue the sentece, cause  
them to be attatched and committed to the next  
Iaile, there to remaine without harle or main  
prise, iwill they shal haue founde sufficient sus-  
peties to be bounde by recognysance or other  
wyse before the same justices to the kynges vse  
for the performance of the sayde iudgemente.

**C**hrouyderd, that no person shalbe soed or  
otherwyse compelled to pay any tythes for any  
landes tenementes or hereditamentes whiche  
by the lawes of this realme are discharged or  
nat chargeable w<sup>th</sup> paimet of any such tythes.  
**A**lso this acte shall in no wyse bynde the in-  
habitantes of Lōdon and suburbs of þ same  
to pay theyr tythes and esvynges within the  
same cyties and suburbs otherwyse then they  
mulde haue done before.

**F**urthermore if any hauinge an inheritance  
freholde teyme or interest in any personage vica-  
riage pozechon pension tythes oblacions or other  
ecclasticall prokyn made or to be made tem-  
porall or admittid to be in temporal hādes by the  
lawes or statutes of this realme, be disseised or  
otherwyse put from the same by any other per-  
son clamyng to haue interest therin: the perso-  
ne disseised or wrongfullly put from his sayde  
erght or possession his heires, wiffe, and other  
to whom such wronge shalbe done, maye haue  
remedy in the kynges temporal courtes, as the  
case shall require for þ recovery th<sup>t</sup> rof by wyp-  
tes original of þ<sup>r</sup>: c<sup>r</sup> reddat, ass. of novel dis-  
seisement, Mordane. Quod ei deforciat, wyttes  
of dower, or other wyttes original to be graun-  
ted in the chancery of euery suche personage  
vycarage

### ¶ Of mortuaries

bicarage, poyslon, pension, or other profyt  
clerical accordyng to the nature of thyn  
therof. And wyties of couenant and other my  
for fynes to be levied and al other assurancys  
be made of any such personage or profyt  
clerical walbe deuyled and graunted the  
lyke as hath bene vsed for fynes to be leuyd  
assurance to be had of lades or other heret  
wentes, and all iugementes gyuen vpon so  
wyttis original graunted for any the prem  
and al fynes levied and knowleged in any  
kinges layd courtes therof, walbe of liketh  
as iugement gyuen and fynes levied of lan  
tenementes and hereditametes.

### ¶ Of mortuaries, enacted,

An. xxi. H. viii.

**N**O person spiritual theyr fermours  
bayliffes shal cal ani person before  
iudge spiruall for the recouery of  
Mortuaries more then is her afte mentio  
upon paine to forfayte for every tyne som  
in value as they shal take aboue the summe  
lymytred + ouer £.xl s. to the party greued  
whiche he shal haue an action of det by w  
byll or information, wherin no wager of la  
essoyne nor ptection shalbe alowed. Fyf  
mortuarie shalbe taken of anye whiche at  
death hath in mouable goodes vnder the  
lue of x. marke. Also no Mortuarie shall be  
taken but onely where Mortuaries haue be  
vsed to be payde, and there after the forme  
after mencioned. Nor in no mo places but  
that his to wyte, there where is most abyde  
is and there but one. Nor no persone shal be

**Of mortuaries.** fo. 1v.

For a Mortuary of any persone beyng at hys  
death at the value of, & markes aboue his de-  
tes payde & vnder xxx. li. aboue iii.s. viii.d. And  
of the value of, xxx.li. and vnder it, nat aboue.  
vi.s. viii.d. And of the value of .ix. or aboue to  
any summe what so ever it be, nat aboue .x.s.  
Also no Mortuary shall be asked nor payde for  
any womā couert bārō, or chyld or any glō nat  
bypnge house, or for any wayfarynge man but  
the Mortuaryes of liche wayfarynge men be  
answerable in that place where they had theyz  
moit dwellynge at the tyme of theyz death.

**C**henerthelē such spirituall glōn may take  
any tynge whiche shall be espoused or be que-  
stioned to him or to the hygh auiter of þ churche.  
Also nothynge shal be taken for Mortuary in  
Wales nor the marches of þ same, nor in Læs  
hs or Berwyke or the marches of the same,  
but onely in liche places of the same where  
Mortuaryes haue bene accustomed to be payde  
and there but onely after the forme aboue spe-  
cified. Prouyded that þ Bishops of Bangor,  
Lādake, saynt Davids, and saynt Asse, & that-  
chedicē of Chester may take such mortuaryes  
of the preestes within theyz dioscies and iuris-  
diction, as heretofore haue bene accustomed.  
Prouyded also, that in liche places where mor-  
tuaryes haue bene accustomed to be taken of  
lesse value none shalbe compelled to paye anye  
other Mortuary or meze for any Mortuarye  
then hath bene accustomed, nor no Mortuarye  
there shalbe demanded of any person exempt  
by this acte upon payne aforelymytted,

**Of discontinuance.**

**It is**

## Of discontynuance.



**F** is called a discontynuance by the lawes of Englande, whiche that hathe the possessiones or tenementes for the present and yet nat haþynge owne ryght onely, maketh an alienacio[n] same to anoþer, by reason wheroft he shulde haue them after hym and whiche hath ryght unto them can nat enter, but uen to lys remedye by waye of action, in wypse that the sayd landes be nat utterly distroyed and gone from such person or person haue ryght unto them, but be alonely distroyed for a tyme, till the persone whiche at the death of such discontynuer had ryght to them, do reconiue and byynge them agayne nat by entre but by lute and wa[n]ction. As for example, þf tenaunt in certayne landes doth enfeoffe an other in the same, in fee simple or fee taille and hathis dyeth, hys issue can nat entre into the landes, though he haþe hitle and right vnto them but is put to hys action, whiche is called formedon in the discendre. And þf such tenaunt in taille whiche maketh such a feoffement no issue at tyme of hys death, it is yet nev[er]esse a discontynuance to hym whiche is in the reversion or in the remaininge so that ther the one nor the other can entre, but b[ut] uen to theyr action, he in the reversion to formedon in the reverter, and he in the remainder to hys formedone in the remainydre.

**I**n lyke manner if a byshop deit alienades which be parcel of hys byshoprych, it

this is  
asmuc  
wyp  
**C** So  
des as  
lache  
his su  
tal al  
a disc  
entre,  
assensi  
**C** B  
alien  
simple  
bereft  
cessou  
gadim  
And c  
hes ha  
It by d  
**C** A  
lande  
ryght  
fement  
with  
**C** A  
war o  
soc ca  
mon o  
comor  
**C** All  
yere o  
acted,  
or suff  
benem

**O**f discontynuance. fol. lvi.  
This is a discontynuance to his successour for **Entre lez**  
asmuch as he can nat entre, but is dyngē to his ne assens  
**wyp** of entre sine assensu capituli. capituli,

**C**hemblably, yf a Deane be sole seised of lan-  
des as in the ryght of hys Deany and maketh  
suche an alynacyon, thys is a discontynuance to Ingressus  
his successour. Also yf the master of an hospit- line assens  
tal alieneth any landes of his hospital, this is su concess-  
a discontynuance and hys successour can not trum et  
entre, but is put to his wyp. De ingressu sine sororum,  
assensu confratru & sororu.

**C**But yf a pson or bpcare of a churche wyl-  
alien any of his glebe landes to another in fee  
simple or in fee tailz, & dyngē or resignē hys  
beneſice, this is no discontynuance to his succ-  
cessour, but he may very well entre, notwithstanding  
making such alienacion made by hys predecessor.  
And the higheſt wyp that a person ſe haue yf  
hys predecessor hath aliened his glebe lade or lost Tutis b-  
it by defaute or reſidions is a jucis etrum. trum.

**C**zed thermyne note that no tenant þ the  
lande can by hys or therz acte discontynue the  
eyghth of him in þ reuertion onles it be by a teſ-  
fement with lyury and leaſon oþels by a reſe-  
with warrante.

**C**End note that ſuiche thynges as paſſeth by  
way of graunt by dede without lyury and ſea-  
ſon can nat be diſcontruued as answeson, con-  
mon, or byllayne ingreſſie, reuertion, ret charge  
comon for beſtes eſcute and ſuiche other lyke.

**C**Also yf hal understande, that in the . xxxii.  
yere of this kynges moſt noble reigne, it is in-  
acted, þ no faine ſeſmet oþ other act to be made  
or ſuffered by þ husbande onely, of any lades oþ  
genementes beynge þ inheritance oþ ſte holde of

### ¶ Of discontinuance.

lys wyfe duryng the couerture between or vnto  
Walbe any discontinuance therof oþ by  
dictial oþ hurtfull to þ sayd wyfe oþ to her  
res, oþ to such as shall have ryght tylen  
rest to the same by the death of suchewhile  
that the same wyfe and her heires, and  
other to whom such ryght shal apperteine  
after her decesse may then lawfully enter  
suche landes & tenementes accodynge to  
ryghtes and tyiles therin.

**C**howe recoveryes by collusion agaynt  
nauntes for terme of lyfe is no discon-  
nuance, inacted. An. xxxiii. H. viii.

**W**here dyuise persons set  
landes and herediytamen-  
tenauntes by the curtesys  
glande, oþ other wyse on  
terme of lyfe oþ lyues ha-  
þrof ore suffred other pers-  
agreement oþ couyn betwene them had  
couer the same agaynst them in the  
courte by reason wherof, they to whom  
reuersyon or remayndre therol hath þ  
haue after the deaþes of such tenuant  
dynuen to theyr actions for the recon-  
ond obteynyng of the sayde landes and  
mentes so recovered, and sometyme ha-  
clearly dysherited of the same, it is inac-  
all such recoveryes hereafter to be had  
mente of the partye oþ by conyn, agaynt  
suche particular tenuant of landes oþ  
tamentes, wherof he is oþ hereafter shall  
led as tenuant by the curtesy of Englan-  
taunt in taile after possiblitie of issues.

Of wrongfull disseisin, fo. lvi.

or otherwise for terme of life, shal frō hecforth  
as agaynst such psons to whome the reversion  
or remaynde shall tha appertayne + agaynst  
theyr heires + successours, be clerely voyde.

**P**rovided þ this acte extende nat to any pson  
that shall by good rytle recouer any heres-  
drametes without fraude or couyn agaynst  
any such pticuler tenante by reason of any for-  
mer ryght or rytle, nor yet to auoyde any recou-  
ery to be had agaynst any such pticuler te-  
naunt by thassent and agreemet of those in the  
reversion or remaynde, so þ such assent + agre-  
met do appere of recorde in the kynges court.

**C**howe wrongfull disseisin is no dissent in  
the lawe, inacted. Anno xxxiiij. Henclci.

viii. Capitulo .xxxiij.

**W**here diverse persones haue by stregh  
and without rytle entered into landes  
and tenementes and wrongfullly dys-  
posed + displosessed the ryghtfull owners and  
possessours therof, + so beyng seised by dis-  
seisin haue therof dyed seised by reason of  
whiche dieng seised, the parties þ were so dis-  
seised and displosessed or such other persōs as  
before such dissent myght haue lawfully en-  
tered into the sayd landes + tenementes be thers  
by clerely excluded of theyr entrie into the same  
and put to theyr action for theyr remedy + re-  
covery therin it is inacted, þ the dyenge seised  
hereafter of any such disseisour hauyng no  
ryght or rytle therin, shall nat be denied any  
such dissent in þ lawe to take awaye the entrie  
of such persons or theyr heires whiche at the  
tyme of the same dissent had good rytle of entrie

## Of prescription.

Unto the same. Except h<sup>e</sup> liche disseisour ha  
had the peastble possession of the landes,  
nemementes wherof he shall so dye leased by  
space of syue yeares next after the disseis  
him committid without entre or contynualle  
me by such as haue lawfull tytle therunto,

## The limitation of prescription acted. An. xxxii. H. viii.

**N**O man shal sue or mayntayne any  
of ryght, or make any tytle or cla  
mation to any landes tenementes, rentes, a  
ties, commons, pensions, portions, coron  
or other hereditametes of the possession  
auncestour or predecessor, & declare any  
ther seisin or possession of his auncestour  
decessour but onely of the seisin or possesse  
his auncestour or predecessor, which ha  
seised of the same within xiij. yeres nexte  
the feaste of the same w<sup>r</sup>yt, or nexte before  
sayde tytle or clame, so to be sued,

**E**also none shal sue or mayntayne any  
of his auncestour, conyslage, ayle, w<sup>r</sup>yt  
tre vpon disseisin done to any his auncestour  
or predecessours, or any other action p<sup>re</sup>  
vpon the possession of any his auncestour  
predecessours, for landes or hereditamen  
further seisin or possession of the, but onely  
seisin or possession whiche was seised  
within lykly yeres nexte before the feaste  
originall of h<sup>e</sup> same w<sup>r</sup>yt. And none shal  
yntayne any action for landes or other heredi  
tates vpon his owne seisin or possession the  
houe xx. yeres nexte before the feaste of the  
g<sup>i</sup>gall of the same w<sup>r</sup>yt.

Limitatio  
n of xl. yeres.

Limitatio  
n of i. yeres

Limitatio  
n of xx.  
yeres.

**I**tem none shall make ampe auowrye or  
conysaunce for any rent, sute, or servyce, and al-  
ledge any seisin of þ same in his awrye or co-  
nysaunce in possession of his auncestours or prede-  
cessours, or in his owne possesyon, or in the  
possessiō of any other whose estate he shal clay-  
me to haue aboue syfþe yeres next before the  
makyng of the layde auowrye or conysaunce.  
Mozeouer all formidones in reuerter, formidos-  
nes in remainder, and Ecclie factas vpon fynes  
of landes or other hereditamentes to be sued,  
Shalbe taken wþin syfþe yeres next after the  
tytle of actio falle And yf any do sue anye of þ  
layde actiōs or wþyttes for landes or other hered-  
itamentes or make any auowrye conisaunce p̄es-  
criptiōn or clayme for any rente, sayte servyce,  
or other hereditamentes, and can not proue þ  
he or his auncestours or predecessours were in  
actuall possession or seisin therin at any tyme  
wþin þe yeres before limited, if the same be  
trauersed or denied by the partie playnþe des-  
maundant or auouant or by the partie tenante  
or defendant, he and his heþres shall fromhens-  
þe. iij. be veterly barred for euer of every þ layd  
wþyttes, actions, auowries conisaunce prescrip-  
cion, tytle, & claime herafte to be sued or made  
for the same landes or other the premisses, for  
wtch such action wþtþ auowry, conisaunce, ty-  
tle or claime hereafter shalbe sued or made.

**G**rouyded, that all persons whiche nowe  
haue any of þ layd actions, wþyttes, auowries  
Ecclie factas, conisaunce, prescription, tytle, or  
clayme dependyng, or that herafte shall lewe  
or bynge any of the layd wþyttes, or actions,  
or make any of þ layd auowries, conysaunes,

Barre.

Of prescrpcion.

prescription, tytles, or clayme at any tym  
foxe the feast of h ascencion of our lord  
Walbe in the yere of our lord a thousand  
i. t. shall  
take et.  
fecte.  
bundre h forty and syre, that alledge the  
of theyr auncestours or predecessorours, or  
o wne possesyon & season, & also haue all  
lyke auantage in the same wytyres, aw  
auowryes, consauces, prescriptiōes, & clai  
as they ryght haue had before the makyng  
this statute. Provided also, that ys any pe  
be now wþin the age of xxi. yeres, or co  
baron, or in prison, or out of thys realme,  
haurnge cause to bryng any of the sayd  
tes or actions, or to make any auowryes,  
saunces, prescriptiōes or claymes it shalbe  
full to such person, to sue or bryng any  
sayd actions, or to make any of the said  
tytles, consauces, tytles or claymes at any  
wythyn syre yeres next after suche person  
beyng wþin age, shall accōplishe thei  
xxi yeres, or nowe beyng couerte baron,  
be sole, or nowe beyng in prison, Walbe at  
lyþerie, or nowe beyng out of thys realme  
come & be wþin thys realme. And that  
suche persons in theyr sayd actions auot  
consauces tytles or claymes to be mad  
or comēced within the sayd syre yeres, shal  
lege the season of theyr auncestours pre  
decessours, or of theyr o wne possession, or  
possession of hole whose estate they ha  
clayne. And also wþin the same syre  
Walbe lyke auantage in the same, as  
myght haue had before h makyng of this  
Provided also, that ys the sayd persone  
yng wþin age, or couerte baron, in p̄p̄

Of prescrition.

Fol. lli.

out of this realme, or dye within age, or being  
conuert, or in prisone or out of this realme or de-  
cease within vi. yeres next after they shal acco-  
plyshe theyr full age, or shalbe at large wþthin  
this realme, or shal become sole, & no determina-  
tion or iugement had of suche tytle, actions  
or ryghtes so to them acrewed, then the nexte  
heyye of suche persones shal entope lyke auauis-  
tage to sue demaunde, auowe, declare or make  
theyr sayd tytles, claymes or prescripcions w-  
in lyxe yeres nexte after the death of suche per-  
sones, as the same infaunt after hys full age,  
or the sayd woman conuert after the death of  
her husbande, or the same persone beyng ou-  
e of thys realme after hys repayze or compynge  
into the same, or the sayd persone imppsoned  
after hys enlargement and commynge out of  
prison, myght haue had within vi. yeres then  
next ensewynge by force of the prouision laste  
before rehersed.

I Prouided also, that ys any persones before  
the sayde feaste of the Ascension sue any of the  
sayde actions or make any auowye tytle or  
clayne, and the same happen by the death of  
any the parties therunto, to be abated before  
iugement or determination therof had then the  
sayd persons beyng demaundantes, or auow-  
antes, or makynge any suche consuance, pres-  
cription, tytle, or clayme beyng then on lyue,  
and þt nat then theyr nexte heyyes, maye com-  
mence theyr action and make theyr auow-  
ye consuance or clayme vpon the same mater  
within one yere nexte after such fute abated &  
shal haue lyke auantage to sue demaunde a-  
uowe declare or make theyr sayd tytle claymes

### ¶ Of synes.

¶ prescriptions within þ said one yere, as  
demaundautes in such wryt or sute aboue,  
as such as dyd auowe or make constancie,  
clayme or prescription, myght haue enyoyed  
the sayd former action or sute.

¶ Provided furthermoze, that þ ambi-  
verdit hereafter be gyuen in any of the  
actions, sutes, auowyses, prescriptions,  
or claymes the the partie grieved may haue  
attaynt vpon euery such verdit, & the ples-

In the same attayne vþd judgmet for hiȝ  
shall haue lyke recouerye, execusion and  
aduauntage as heretofore hath bene vse.

Attaynt  
vþd false  
verdit.

### ¶ Of synes.



Fynes haue theyr name, by  
they make a synall ende an  
termination of all sutes &  
and debates betwene men,  
the due leuyeng wherof  
inacted in the. viii. yeare of  
Henry the. vii. that they muste be solemnized  
so the Justices of the comon place re  
proclaimed the same terme & thre termes  
folowyng the Ingrolement, at whiche  
all the plees muste ceale. And such synes  
a sufficien: barre and dyscharge agaynt  
persones, saupnge women that be cou  
ron þ such womē be nat pture to þ lamen  
or such as be wþthin age, in prison out  
realme, or out of theyr right mindes. But  
synes shall nat conclude ne barre all straw  
which haue right to curre or to haue act  
they come vñ. yeres aft such e plement

made or in case the cause of action falleth unto  
the after the fyne so duely leuyed Iysf they come  
and commence thei action and sute within. v.  
yeres next after such cause of action to them ac-  
tured. And they may sue agaynst the takers of  
the proxies . But pf they that haue ryght  
theris be within age , in pypson couert baron ,  
out of the realme or nat in their ryght memory  
then they tytle or entre shalbe sauued unto the  
tyl they be of full age, out of pypson, discovered  
and sole within the realme or of ryght mynde ,  
and then within fyue yeres after theyr action  
or entrye must be sued or made with effecte,

Also by the sayd statutte it shalbe a good p'e  
for all straungers to saye, that they þ were par-  
ties to the fine nor none other to theyr vse, had  
any thyng in the tenementes or landes at the  
tyme of the leuyeng of the fyne.

Furthermoore in þ .xxxi yeres of this kyng  
for thaduoydinge of certayne doubtis and am-  
biguitis, it was inacted, that all fines as well  
heretofore leuyed, as hereafter to be leuyed ac-  
cordinge to the sayd statutte of Henry the . vii,  
by any person of the full age of .xli. yeres , of  
any landes or other hereditamentes beinge, be-  
fore the fine leuyed, in any wyle tayled vnto him  
or to any of his aucestors in possession reuers-  
ion rewaryndze or in vse, shalbe immediatly af-  
ter the same fyne leuyed ingrossed & proclama-  
tions made a sufficient barre and discharge for-  
zuer aswell agaynst him and his heires clay-  
myng the same onelye by force of any such tayle  
as agaynst all other to theyr vse, so that  
the same fines be nat leuyed by any woman af-  
ter the deeth of her husbande, contrary to þ stat-  
ute Barre.

### Of fines.

Anno xi.  
H. vii.

In. iiiii.  
Hen. vii.

tute made the. xi. yere. of Henry the seventh  
landes and tenementes of thine inheritance  
chase of her husbāde or of any of his  
gyuen to her in dower , for terme of lyf,  
tayle in use or in possession . Excepted all  
fynes leuyed or to be leuyed of any such  
or hereditamentes as þowmers therof by  
special acte of parlyament made syth the  
fourth yere of Henry the vii. be restrayned  
makyng any alienations dyscontinuall  
other alterations of the same . Also of landes  
as be now in lute and variance in am  
kynges courtes , or wherof any eydeman  
nows in demaude in the chancery , or wherof  
all redy recovered . Excepted also fines last  
or to be leuyed by any person , of landes or  
mentes graunted to him or to his auncles  
in tayle eyther by the kynges letters patente  
or by vertue of any acte of parliament , wheran  
teuerhon is in the kyng . And confirmed  
xxviii. yere of Henry the viii.

### Of testamente s or last wylles.

Division.

Writte n  
testament

Test a  
met nūca  
patine.

**T**estamentum in latyn is as much as mentis testatio , that is a declaracion  
or witnessyng of a mans mynde .  
And there be two sortes of testamētes .  
is called testamentum scriptum , that is a written  
ten testamente , or a laste wyl by writing  
and the other is called testamentum nūcū  
tuum a testament nūcupative , which is written  
a man dothe expresse by mouthe hys last  
and testamēt without wrytyng , by calling  
foþe him certayne of his neygþbours in

presence he dothe signifye by wordes hys laste  
mynde and wyll. And this for most part mē vse  
to do when for fere of sodennes of dethe , they  
bare nat abyde the wrytyng of theyz wyl. And  
this wyll( onlesse it be in certayne cases ) is as  
suche a wronge and as sure, as is a testament or laiste  
erof by wyl put in wrytyng and sealed with the seale  
of the testatour.

**C**Also though a testament by wrytyng be not  
sealed with the seale of the testatour, yet is the  
testament good and effectuall in the lawe.

**A**nd ye shall also marke, that where a man  
wydene maketh cnes his testament and wyl and after  
or whiche make another wyl by wordes yf hys  
fines last wyl be pused before þ Ordinary & by hym  
ides spak in wrytyng and insealed with hys seale,  
aunc such last wyl shall auoyde þ synt wyl, onles it  
s pake in special cases, and so alway the latter wyl  
nt, whiche testament shall auoyde the former.

**F**ynally by an acte made the .xxi. yere of  
kyng Henry the eyght , it was ordeyned that **Execus**  
where part of the executors named in the testa  
tours,  
ment wherin any landes or tenementes be wyl  
led to be solde by them, refuselh to take vpon  
much the þ administration, and the residue do take  
declar the charge and administration vpon them , in  
ynde. this case all bargaynes and sales in the sayde  
tes. **T**hes made onely by those executors þ toke the  
hat is an administration of the testamente vpon them ,  
þ wryt halbe as good and effectuall, as yf al the resp  
m nunc tue of the executors so refusyng had ioyned  
hch is in the makynge of the bargayne and sale.

**C**The difference betwene executors  
and administratours.

**H.v.**      **Execus**

The difference betwene,



Executours is when a man  
keth hys testament & last w  
thchia nameþ the person  
shall execute his testament  
he that is so named is his  
tour, and such an executour

have an action agaynst every dettour  
statour. And yf þ executours haue assen  
to lye sufficiët in theyþ hădes then shall  
one to whō þ testatour was in det haue  
agaynst the executour yf he haue an o  
or especialty to shewe. But in every case  
the testatour might wage his lawe, th  
tion lyeth agaynst the executour.

Diffetes in  
the han  
des of exe  
cutours.

Administratour.

Credit  
tour of  
his owne  
wponce.

Administratour is he, to whō the  
comptreth the administration & bestow  
the goodes of a ded man for defaulte  
cuteour. And actions shall lye agaynst  
for him as for an executour, & he shall be  
ged to the value of þ goodes of the ded  
further, if it be nat by hys fasse pree, or  
he hath wasted the goodes of the ded.  
the administratours dye his executour  
administratours, but it behoueth þ ord  
comyt a newe administration. How  
straunger I meane him that is neyther  
tour named in the testament and last w  
yet administratour appoynted by the o  
wyll take the goodes of the ded and  
of his owne hed and mynde wythout  
auctorite, this person shall be charg  
as an executour, and nat as a ministr  
an action whiche is brought agaynst  
creditor. But yf the ordinary makith

Of testamenteſ.

Fol. leſſ.

ad colligendū bona de fracti, he that hath ſuch A letter  
a letter is nat administratour, but the action ad colligē-  
lyeth in tiþs caſe agaýnst the ordinary, as wel gendum.  
as yf he toke the goodes by hys owne hāde, or  
by the hānde of any other his ſeruaunte by any  
other commaundement.

**C**In acte for probate of testamenteſ  
made. An. xxi. H. viii.

  
Dihyng shall be taken by any hauyng auctoritie to take probation inſinuation or approba-  
tion of any teſtament where the goodes of the teſtator do nat amount aboue the value of. £.s.  
except to the ſcribe for wrytinge therof. vi. d.  
And for the commiſſion of ministratiōn of the goodes of any dyenge in teſtate nat beynge ly-  
kewyſe aboue £.s. vi. d. Also none hauring  
power to take probate of teſtamenteſ ſhall re-  
fuse to approue teſtamenteſ beynge lawfully  
offered unto them in wrytinge with ware ther-  
to affixed redy to be ſealed, ſo that they be law-  
fully pused before the ſame ordinary to be true.  
And when the goodes of the teſtator do as-  
mount aboue an. £.s. and not excede. xl.li. none  
shall take for the probation regestryng, ſeaz-  
ing and wrytinge of any ſuiche teſtament as-  
houe. iii. s. vi. d. wherof to be to the that haue  
auctoritie to take the probation. ii. s. vi. d. and  
the other. iii. d. to the ſcribe for regestryng.  
And where the goodes amount aboue. xl.li.  
then onely. v. s. to be take, wherof to be to the  
that haue auctoritie to take the probation. ii.  
3. and. vi. d. and thoſe. ii. s. vi. d. to the ſcribe  
for

Of testamentes.

for the registryng, or els ys he refuseth  
vi. d. the he to haue soz every x. lines comsonc  
conteynnge in length. x. ynches. i. b. nest

**C** And they that haue auctorite as is true  
sayde shall approue insinuate seale and why  
fer the tenementes and deluyer them syllyg  
the seale of theyr offyce to ther executours ther  
sume aboue sayd and þ with conuenient. And  
without any frustratory delay.

**C** And if any person dye intestate or the ex  
ecutors refuse to prove the testament, thayre p  
hauling auctorite as is aboue sayde, shal le  
chadministration of þ goodes to the wypill  
of the persone deceased or to the next of kin  
or to both after theyr discretion, takynge of i  
tyme of the for true chadministration of þ good  
and dettes, which they shal be so auoyd bpo  
minister. And where one or dyuers rata  
chadministration as next of kynne whic  
gall in degré of kynred, or where any on  
desireth þ chadministration as next of ky  
in dede diuers persones be in equalitie  
red, then in any suche case the ordinary lage  
at libertie to take one or mo makynge for  
And where dyuers require the administrat  
or where but one or mo of them is not all  
in lyke degré, make request than the oþ  
hal admitt the wwdome and him or them  
makynge request or any of them, takyn  
thyng for the same where the person doþ  
dyed not worth, L. s. And ys he dyed w  
s. and not aboue xl. l. than ii. s. vi d on  
be taken. And ther executour or adminis  
trallynge to him the dettors two at the la  
such persons to whom any legacie was left

Querlys.

## **E**ttestamentes.

Fol. 1v.

And yf they refuse then ii. next of kyne to þ þe  
ew sonne deceased and in þeyz defautes ii other ho  
nest persons shall by þeyz discretions make a  
stature inuictio[n]e imdenied of all the goodes, I wente  
and whiche persones shal cryng before the byshop or rye of  
þis llys offyce[r]s to be true, shal deliuer þ one part goodes.  
þis therof unto t. e. a þ other kepe with him selfe.  
Item And none haunȝe auþoritie to take probate  
of testamente[s] upon payne contayned in þys  
þis statute shall refuse to take any suche inuentor  
þis rye preserued or intended to them.

that he wylde, yf any persone shall dryspose of  
the wyllyng by his testament any landes or hereditas-  
te of menys to be sold, that the mony or p[ro]fytys  
kyng of the same be accompted for goodes or catelgs  
of hym. And they haunye the autoritie aboue sayde  
wyllyng upon the delveryng of the seale and signe of the  
testatour whiche cause the same to be defaced and  
inconveniencie shal redelyued it to the executor wh-  
en any one out any clame, and yf any requyre a copy of  
the testament and inuentory, then they haung  
auctorite or theyr ministers shall wythout des-  
narye delver them a copy takynge therfore and  
for the registryng of the same as before or els  
for every chlynnes i.d.

**P**roouided, that where they hauyng aucto-  
rity as is aboue sayde have vse to take less  
on them for the probate of testametes or other rhynge  
concernyng the same then is here specified,  
they shall aby as they dyd before thys acte.

**T**hou weyl any that haue auctorite to take  
probate of testamētes or theyz ministers do at  
empt agaynt thys acte they shal forfayte for  
every tyme to the party greued as much mony  
as they shal take contrarie to this act. And ouer  
that

**O**f testamentes.

that x.ii the one halfe to the kyng the other  
the party greued, that wyl sue by actione  
by information or otherwyse in any of  
ges courtes, wherin no essoyne proteth  
wager of law shalbe alowed. And then  
shall be charged for hym selfe & for none  
**P**rouyded, that every one hauyng  
ertye adue lond, may cal before the cur-  
son named execourte, to the intent to pro-  
refuse the testament and to bryng in  
ties and to do euer other thyngie con-  
the same, as they might before this act  
verther they nor theyr ministers shall  
boue the fees limited by this acte.

**C**howe landes and tenementes may  
testamet or otherwyse disposed  
inacted. An. xxii. H. viii.

**E**very person hauyng landes or  
reditamentes holden in socage, or  
nature, and nat hauyng any her-  
editamentes holden of the kyng by  
es seruices, or socage tenure in chife, or  
nature of socage tenure in chife, nor ynghe  
other plone by knyghtes seruice: may  
dispose, and deuise, as wel by testamet-  
thyngie, as otherwyse by any acce lawes  
executed in his lyfe, all his sayde landes or  
tenementes or any of them.

**A**nd eury person hauyng landes or  
hereditamentes holden of the kyng by  
or of the nature of socage tenure in chife  
hauyng also any other landes or heredi-  
tates holden of any other persone in socage.

The nature of ſcage tenure, and nat haupnge  
any hereditamētes holden of þ kyng or of any  
other by knygheſ ſcruyce may from the ſayde  
tyme gyue and deuyle alweſt by teſtamente in  
wrytig, as otherwyſe by any acte lawfully exer-  
cuted in hiſ lyfe, all and every of them at hiſ  
pleaſure. Haupnge to the kyng all hiſ ryght  
of priuer ſeafon and relieſes, and also al other  
rightes and dutyes for tenures in ſcage or of  
the nature of ſcage tenure in chiefe, as heretofore  
hath bene accuſtomed, the ſame to be takeſ  
and ſued out of the kynges handes by þ yſone  
to whom any ſuch landes halbe diſpoſed or de-  
uyled in lyke maner as hath bene uſed by any  
heire or heires before the makynge of thiſ ſta-  
tute. And haupnge & reſeruyng alſo fines for  
alienations of ſuche landes & hereditamentes  
holden of the kyng in ſcage or the nature of  
ſcage tenure in chiefe, wherof halbe any al-  
ienation of freholde or inheritaunce made by  
wyl or otherwyſe as is aforesayde.

**I**tem all persons haupnge landes or other  
hereditamentes of estate of inheritance holden  
in chiefe, or the kyng in chiefe by knygheſ ſcruyce or of  
noȝt the nature of knygheſ ſcruyce in chiefe maye  
gve wyl or assigne two partes of the ſame in  
tament the partes to be deuylid or els as muche ther-  
e lawſ of as shall amouſt to the perly value of two pa-  
rtes of the ſame in thiſ partes to be deuylid in  
certayneſte and by ſpecial diuſion as it may be  
andes knowe iſ ſeualtie, for þ aualemet of hiſ wyf  
haupnge iſ fermet of hiſ childre, & paymet of hiſ debt, or  
in thiſ otherwyſe at hiſ pleaſure. Haupng to the kyng  
or heretofore alweſt the wardeſhip and priuer ſeafon of as  
in ſcage muſe as shall amouſt to the clere perly value of  
the

¶ Of testamente.

the thryde part therof without diminution  
wec frāude couain charge or abridgēment  
of, as also all fines for alienations of  
landes holden of him by knyghtes in  
chiefe wherof shall be any alteration  
holde or of heritaunce made by wyl or oþer

¶ And every person hauyng landes  
mentes of estate of inheritaunce holden  
kynge in chiefe by knyghtes seruice, and  
landes holden of him or of any other b  
ees seruice or otherwyse maye gyue or  
by his testament or otherwyse as is above  
two partes therof in thys partes to be  
or els as much therof as shall extende  
value of two partes or be deuided in t  
Hauyng to the kyng as well the war  
and primer season of as much, as shall  
to the perely value of the thryde parte, r  
diminuation re. As also all fynes for  
tions as is above sayde.

¶ Item euery persone holdynge landes  
mentes only of any other than of they  
knyghtes seruice and other lades and  
tes in socage or of the nature of socage  
may gyue dispose or assisse by testament  
therwyse two partes therof holden by  
seruice or as much as shall amount to  
perely value of two partes. And also al  
and tenementes holden by socage or oþer  
ture of socage tenure at his pleasure. To  
to the lordes of the landes and tenementes  
den by knyghtes seruice for his wardes  
much therof as shall amount to þe celer  
ite of the thryde part without diminut  
¶ And euery yson holdynge ouely of þe

Fines for  
alienati  
ons.

by knyghtes ſeruycē but nat in chiefe, or holdynge of the kyng by knyghtes ſeruycē, and nat in chiefe, and also other hereditamenteſ of oþers by knyghtes ſeruycē, and holdynge also other hereditamenteſ of any other perſone in Socage or of the nature of Socage tenure, may gyue and aſſure by his laſte wyll or other wyſe two partes of þis holde of þis kyng by knyghtes ſeruycē and two partes of that is holden of any other perſon by knyghtes ſeruycē, or as much of eþer of them as ſhall amount to the full perelv value of two partes and also all his landes and tenementes so holden in Socage or of the tenure of Socage tenure, ſauynge as well to the kyng the wardeshyp of as much as ſhal extende to the clere perelv value of þis thryd part of the ſame ſo holden of him by knyghtes ſeruycē without diminution. &c. As alſo to the lordes of whome any of the layde landes bene holden by knyghtes ſeruycē for wardeshyp as mache of þis ſame as ſhal amount to þis clere perelv value of þis thryd part in maner aboue declared.

¶ And yf þat þis thryd part which in any of the casis aboue layd ſhal come to the kyng do nat amount to the clere perelv value of the full .iii. part of al the layd hereditamenteſ wherof the kyng ſhalbe invyled to haue þis custodij or priþer ſeasoun: than the kyng maye take into his handes as much of thoþer two partes of the layde hereditamenteſ as with that of the ſame hereditamenteſ remaynyng in his handes ſhal make vp the clere perelv value of þis thryd part wherof ſo to be had to him in tyde of wardeshyp and priþer ſeasoun. And lyke benefyte to be gyuen to euery lord of whome any ſuche

Of testamenteſ.

hereditament ſhall ve holden by knyghtis  
uyte concerneyng only hiſ thyrde part foſ  
of wardenſhip.

¶ Alſo al plōs ſhal ſue theyr lyberties foſſeſtions reuerſions or remaynders, & alſo  
reliefes and herieties lyke as they ſhulde  
done before þ makyngh therof. And fyne  
lyenacions ſhalbe payde in þ chancery vpiſſes  
of entre in the poſt to be obtayned the  
common recoureyres to be ſuffered of any  
holden of the kynge in cheife in lyke man  
eris vſed vpon alyenations of landes ſo ho  
chiefe by fyne or ſeoffment.

¶ Provided þ in ſuch caſes where fyne  
alienacions ſhalbe payde in þ chancery foſſeſtions  
of entre in the poſt as is aforesayde in  
ether fine ſhalbe payde there for any ſuſh.

¶ Item where ii. or more perſons holden  
kynge by knyghtes ſcrupel ſoindlye to thiſ  
to the heires of one of them, & he that haſt  
inheritaunce therof dyeth, his heire beyn  
in age, the kynge ſhall haue the warde and  
trage of the body of ſuche heire the lykeſt  
frehoideſ or freholders of the landes ſo ho  
by knyghtes ſervice natwithſtandynge.

¶ Haungē to all wome ſuch right & riſe  
dower as they owe to haue of any landa  
nemēntes to be assigned vnto thiſ out of  
partes of the ſayd lades or tenementes ſuſ  
from the thyrde part as is aboue ſayde and  
otherwylſe. And laurunge alſo to the kyng  
reuerſions of all ſuch tenementes inſon  
and dower inmedialy after the deſth of  
tenaunteſ, þt they ſhall happen to dy, dur  
the neare age of the kynges wardes.

**C**Of maryages, enacted. An. 32. H. 8.

**I**t is inacted, that frō the fyſt day of July  
in the yere of oure Lorde a thouſande fyue  
hundreth and forty, all maryages wþin  
this churche of Englande contracted betwene  
lawfull pſons, as by this acte we declare al per  
ſons to be lawfull þ be nat prohibited by God  
des lawe to mary, ſuche mariages beinge con  
tracte & ſolempnysed in the face of the churche &  
conſummate wþih bodeley knowlege or fruſe of  
chylde or chylde beynge had therin betwene þ  
partyes ſo marayed ſhalbe demed & taken to be  
lawfull, good & in diſſoluble, notwithstandingyng  
any precontracte of matrimonye not conſum  
mate wþih bodeley knowlege eyther of the per  
ſons ſo marayed or both ſhal haue made wþ any  
other before the tyme of contractyng þ mary  
age which is ſolempnised and conſummate or  
wher of ſuch ſute is enſued or may enſue as a  
forfeite: and notwithstandingyng any dyspenſacion  
preſcription, lawe or other chynge graunted or  
confermed by acce or otherwyſe. And that no  
reſervacion or phibition. Goddes lawe except  
hall trouble impeche any mariage withoutie  
leuitical degrēes. And that no perſon ſhal after  
the ſayd fyſte day of July aforesayd, be ad  
mytted to any of the ſpirituall courtes  
within this the kynges realme, or  
any his other lades and domi  
nions, to any processe, plee  
or allegacion contrarye  
to this acte.

**C**Finis.

J.ii. Here

Tabula.

**H**ere it muste be remembred that  
nombre in this Table folowyng, doth exprest  
shewe the leafe where you shall fynde your  
and thys letter I maketh mencyon of the fyfth  
page of syde and this letter V. the  
seconde page of syde.

A.

<b>C</b> abatement of the wytte fo.	46.b
Decompt'	55.
Deceiptall.	fo.38.a.
Administratour	fo.61.a
Ages of man and woman. fo.	35.a.
Byde prayer.	fo.27.a.
Annuite.	fo.48.a
Distres in the handes of ex- ecutours	fo.41.b
Assise.	fo.22.31.b.50.a.
Arturinemēt	fo.31.a.49.b
Quowry fo.	25.b.44.58.a.

B.

Barre	fo.58.46.a.
Base tenure.	fo 6.a.
Basterde	fo.12.a.44.b.
Burgage tenure	fo.43.a

C.

<b>C</b> astel warde	fo.36.b.
Chace	fo.3.
Chattelies real and personal fo.	a.a.
Copy of court toll	fo.4.b.
Loynage	fo.37.a.
Condicions.	fo.27.b,

Lōdicioſ in dede	fo.
Lōdicions in lawe	fo.
Lodicions agaynst	fo.
Condicions repugnat	fol.
Condicions impossib	fol.
Condicions wherof	fol.
gces shall take awaun	fol.
Customes	fo.
D.	D.
Damage in dower	fo.
Damages.	fo.
Double damages.	fo.
Det	fo.4.30.b.51.
Det agaynst the ordin	fee
fo.	fee
Deurse by custome of	fyne
broughe.	fo.
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ure & Distres for escuage fo. 34.a		Frankalmoyre	fo. 42.a
yske Tenant by Diuine seruyce		Frantefee	fo. 46.a
folio 42.b		Frake mariage	fo. 14.17.b
Tenant in dower fo. 6.8.b		Ffcholde	fo. 3.a
Dower by custome fo. 43.b			<b>G</b>
		Grantes by corporacions	
		folio	52.b
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			<b>I</b>
		Infrauementes	fo. 45.a
		Ingressa sine assensu capi.	
		folic	56.a
		Ingressa sine assensu cōfras-	
		trū et cōsoriorum	fo. 56.a
		Inheritaunce	fo. 3.a
		Inuictory of goodes	fo. 63.a
		Joynentautes	fo. 18.22.a
		Jointenautes of personell	
		and real goodes	fo. 19.a
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			<b>K</b>
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		Lett ad colligendū	fo. 62.a
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**Tabula.**

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<b>L</b> yuerces	fo.38.b	<b>Repleyn</b> fo.43. <sup>Mal</sup> <b>Wyll</b>
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<b>R</b> ent charge graunted by a toynenant	fo.20.b
<b>R</b> entes	fo.47.a
<b>R</b> ent charge	fo.1233.a
<b>R</b> ent lecke	fo.48.a
<b>R</b> ent service can nat be ap- portioned	fo.49.a
<b>R</b> ent is incydent to a reuer-	

**S.**

<b>S</b> cire facias	fo.
<b>S</b> ecode deliueraunce	fo.
<b>S</b> ocage tenut	fo.41.b
<b>S</b> uerte	fo.
<b>S</b> urrendre,	
<b>S</b> urrendre of the ob- sol.	
<b>S</b> uruyuour holdeth	fo.
<b>S</b> uspence,	fo.

**T.**

<b>T</b> enaunt for yeres	fo.
<b>T</b> enaunt for lyfe,	fo.
<b>T</b> enaunt by the curte	fo.
<b>T</b> enaunt by coppe of rolle	fo.
<b>T</b> enaantes in commu-	fo.
<b>T</b> enaunt after possi- yssue extyncte	fo.
<b>T</b> enaunt at wyll	fo.
<b>T</b> estamēt + wylles.	fo.
<b>T</b> respas	fo.4. <sup>Wyll</sup>

**W.**

**Tabula.**

Value of mariage	fo.36.a	Wager of lawe	fo.61.b
Wyllayne in grosse	fo.45.b	Warde	fo.33.b
Wyllayne regardat	fo.45.b	Warrantie	fo.38.b
Wyllenage	fo.45.b	Waste	fo.4.7.8.8
Woucher	fo.38.b	Waste dispernissable	
		Folio	15.b

**M**

**Finis Tabula.**

**M. S.**

**I**mpynted at  
London by Henry Smythe  
dwellynge wythout Temple  
barre in saynt Clemen-  
tis paryshe

1543.

